

## **DEVELOP OR USE YOUR LAND Tab**

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**Fee Schedule** (obtain from the One-Stop or at [www.sanantonio.gov](http://www.sanantonio.gov))



## **DEVELOP OR USE YOUR LAND**

### Understanding Regulations of the Unified Development Code

The San Antonio Unified Development Code (UDC), Chapter 35 of the City Code, establishes how you may use your land, and how you may establish or amend rights or entitlements with regard to developing your land or to building a structure. This chapter will identify site-specific regulations and processes used to establish rights or entitlements to proceed with development.

### **HOW TO USE THE UNIFIED DEVELOPMENT CODE**

The UDC establishes standards and procedures for new development in the City. The major purpose of the UDC is to implement the City's adopted Master Plan. It provides clear rules about what is expected of applicants in order to gain approval to develop land in the City. It is also designed to streamline the approval process, removing unnecessary delay and confusing or vague standards from the process.

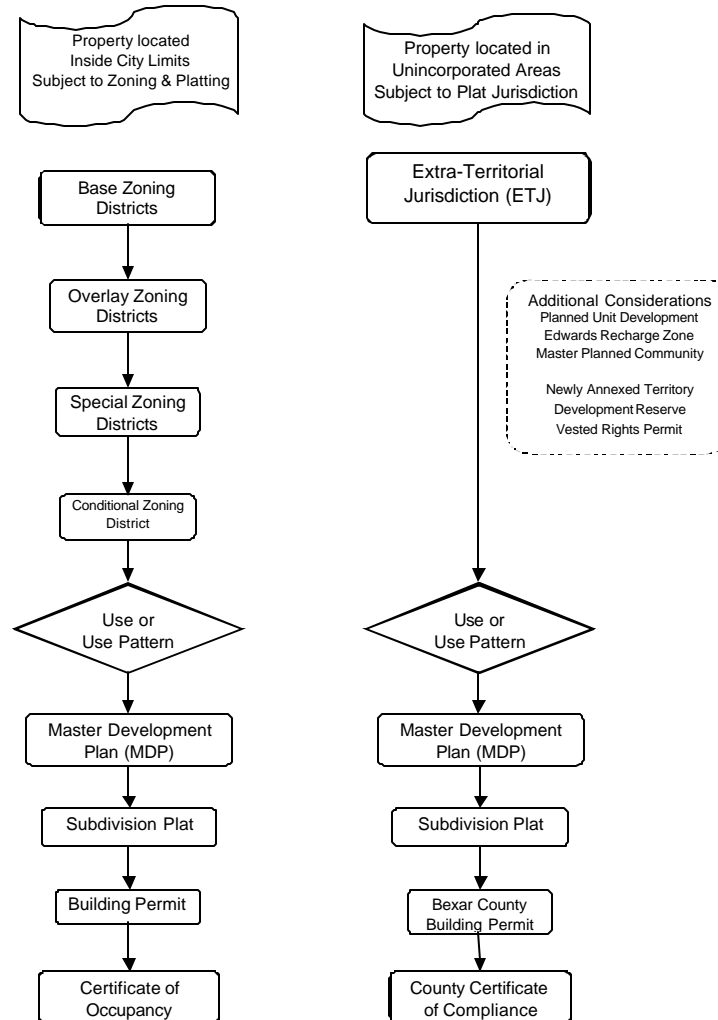
Use Patterns (Article II) consolidate the regulations applicable to *optional* forms of development. These "Use Patterns" reflect either the majority of anticipated permitting activity or patterns, such as Traditional Neighborhood Development, that the City would like to encourage. Each section describes the Use Pattern, the procedure for approval and the standards relating to approval, with cross-references to other parts of this Chapter where needed. The intent is to present a visual, user-friendly overview of the regulations that apply to those types of uses or development styles. These Use Patterns are not zoning or overlay districts, but forms (patterns) of development that may be permitted in the various zoning districts.

At the beginning of most Articles, divisions the italicized purpose statement summarizes Master Plan policies that the section is designed to implement, other relevant public policies, and fact-findings governing the section. These purpose statements provide the basis for the development standards, but are not standards. In other words, an application for approval of a development cannot be denied because of a conflict with the purpose statement. However, an application will be denied where it conflicts with the standards.

### **General Steps to Your Project Approval**

1. Locate your land on the Official Zoning Map.
2. Learn what uses are allowed on your land.
3. Identify what zoning classification allows your specific use or uses.
4. Find out if your land contains historical resources.
5. Find out if your land is in a special location or contains environmentally sensitive or other special features.
6. Find out if your land is properly platted.
7. Identify other requirements or regulations that apply to your land.
8. Identify and become familiar with applicable Codes and their requirements.
9. Decide on the Use Pattern appropriate for your proposed project.
10. Determine the types of permits or approval review that apply.
11. Learn about the review and decision-making process.
12. Determine which procedures apply.
13. Identify the project submittal requirements.
14. After Project Application Submittal

## TYPICAL SAN ANTONIO DEVELOPMENT PROCESS



## GENERAL STEPS TO YOUR PROJECT APPROVAL

### 1. Locate your land on the Official Zoning Map.

To determine the regulations of the UDC applicable to your site, you must first find the site location on the Official Zoning Map at [http://maps.sanantonio.gov/default\\_zoning.asp](http://maps.sanantonio.gov/default_zoning.asp). If the site is outside the city limits of San Antonio and inside the ETJ, zoning regulations do not apply and you should go to the section entitled “Extraterritorial Jurisdiction (ETJ)” and the section below on Subdivision regulations. If the site is inside the city limits, the appropriate zoning map will show the applicable base zoning district and whether the site is subject to any overlay districts or special districts, and if the site contains a historic landmark.

### 2. Learn what uses are allowed on your land.

Next, look up all the corresponding regulations. Start with the base zoning districts to determine which uses are allowed “by right,” allowed as a special exception, or prohibited. The Dimensional

Matrix shows the setback and building height standards that apply to the allowed uses. Refer to the Residential Use Matrix Table 311-1 and Non-Residential Use Matrix 311-2. You should also consult the Supplemental Use Regulations in section 35-370 to see additional requirements that might apply to the use you are contemplating. If the base zoning district allows your intended use and there are no overlay districts or special districts that apply to your land, go to Step 4.

### **3. Identify what zoning allows your specific use or uses.**

If the existing base zoning does not allow your intended use, you need to know in what base zoning district a specific use may be located, and must first find its appropriate land use category. Go to the definitions in the Use Matrix to look up a specific use, listed by category (for example, retail sales or heavy industry) rather than types of business. Then, look at the Use Matrix to see the status of the particular land use. Land use categories may be allowed by right, allowed with special limitations, allowed only as a special exception (with additional conditions possible), or prohibited. Refer to the Residential Use Matrix Table 311-1 and Non-Residential Use Matrix 311-2. Also, check base zoning district regulations for Supplemental Use Regulations in section 35-370 because some uses are subject to special standards.

### **4. Find out if your land contains historical resources.**

The City has designated certain areas as historic districts in order to preserve historic resources through restoration and adaptive reuse. It also allows conservation and development interests to consider resources early in the planning process. On the Official Zoning map there are Historic overlay zoning districts that impose additional restrictions on land over and above the zoning or other regulations that apply.

### **5. Find out if your land is in a special location or contains environmentally sensitive or other special features.**

On the Official Zoning map there are overlay zoning districts that impose additional restrictions on land over and above the zoning or other regulations that apply. The overlay districts also include areas in proximity to both ends of military airport runways, areas in proximity to airport flight patterns, neighborhoods designated for conservation, areas designated for view protection, and the Edwards Aquifer Recharge Zone. A land owner or developer must be aware of the location of his land with respect to these geographic areas by checking the City's Official Zoning Map. If the land is located in any specifically regulated area, then he must be aware of the requirements and entitlements within each that apply.

### **6. Find out if your land is properly platted.**

If the legal description of your land is in any other form than "Lot 1, Block 1, NCB 1" it might not be properly platted. Next, check the first page of your deed" if should say "Lot 1, Block 1, NCB 1, out of the ABC Subdivision recorded in Volume 1, Page 1, Any County Plat and Deed Records." If not, it may not be properly platted. If it is in this form, it is thus likely to be properly platted.

### **7. Identify other requirements or regulations that apply to your land**

Although the Master Plan, Transportation Plan/Major Thoroughfare Plan, Comprehensive, Neighborhood and Perimeter Plans are not themselves regulations, they are used as guidelines in implementing policy and as a framework for amendments or for new regulations. Therefore, the plans may not be overlooked by a developer when acquiring land or when planning and developing land. In addition to the plans, other regulations might not be geographic area specific, but are function-specific to achieve goals and objectives, to regulate nuisances, to protect resources, to

maintain safety and to promote the general welfare. The project or type of use proposed could very well be subject to additional regulation. The City has the goal-oriented regulations, such as the Major Thoroughfare Plan; safety- and nuisance-oriented regulations that cover traffic, airport hazards and drainage; regulations to protect resources, such as Tree Preservation. There are also regulations born of necessity such as off-street parking and loading requirements, curbs and sidewalks. Each of these regulations is discussed in this section.

## **7. Identify and become familiar with applicable Codes and their requirements.**

In addition to the Unified Development Code, Chapter 35 of the San Antonio Municipal Code, there are other codes that apply to construction, alteration, moving, removal, demolition, repair, conversion, maintenance and use of all buildings or structures in San Antonio. Other chapters of the Municipal Code include Chapter 28 (Sign Ordinance), Chapter 34, Water Quality. The City of San Antonio has also adopted model codes, including the Uniform Building Code 1997 edition, the Uniform Fire Code 1997, the Uniform Mechanical Code 1997, the Uniform Plumbing Code 2000 and the National Electric Code 1999.

## **9. Decide on the Use Pattern appropriate for your proposed project.**

The Use Patterns available in the UDC are not zoning districts or overlay zoning districts or special zoning districts. Instead, they are *optional* forms of development that may be permitted in the various zoning districts. Use Patterns are specific land use activities that involve specific land uses and design controls that produce a discrete pattern of development.

## **10. Determine the types of permits or approval review that apply.**

The Unified Development Code establishes four categories of permits and approvals: development permits, subdivision approvals, policy approvals and building permits. Before proceeding with a building permit application, you should determine if a development permit, subdivision approval or policy approval is required for your development. If applicable, these approvals are needed before a building permit may be issued.

- ?? Development Permits require that architectural and/or site plans be submitted for review. The staff or appropriate body must exercise discretion in deciding whether the proposed development meets the applicable regulations, standards and guidelines. In many cases, a public hearing will be required prior to approval of a development permit. If required, a Development Permit must be obtained before a building permit application can be made. A “development permit” includes: a subdivision plat, a conditional use permit, a building permit, or a certificate of occupancy. A “development permit” does not include a certification of completeness, a letter of certification, an amendment to the text of the UDC, or a rezoning.
- ?? Subdivision Approvals regulate the division and/or platting of land in the City and its extraterritorial jurisdiction as well as the associated design and improvements proposed, the acquisition and dedication of public rights of way and public easements. Some Subdivision approvals are administrative and do not require a public hearing. Those that are discretionary in terms of decision-making do require a public hearing.
- ?? Policy Approvals are requests to amend existing city policies such as changing a zoning designation of land or amending a community, neighborhood or perimeter plan. Policy Approvals require a public hearing. . A “policy approval” includes a certification of completeness, a letter of certification, an amendment to the text of the UDC, or a rezoning.
- ?? Building Permits require that final construction documents be reviewed before a permit can be issued. The review is ministerial and is approved by the Staff of the Development



Services Department if all code requirements are met. It is denied if code requirement are not met. A building permit is “A license, certificate, approval, registration, consent, permit, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.” (Source: VTCA Local Government Code § 245.001).

### **11. Learn about the review and decision-making process.**

Most projects are required to be submitted for plan review. Some minor projects can be reviewed at the One Stop. Common minor projects include: one-story residential additions and accessory structures, minor interior remodeling for commercial tenants and standard public improvements.

Applicants for permits and other approvals are reviewed through one of the decision-making processes. The zoning classification of the site and the nature, scope and location of the proposed project determine the process that will be followed for each application. If more than one decision-making process is required for your project, then they are consolidated (except for the lowest process), and taken to the highest decision-making level. The decision-making processes vary in submittal requirements, review time and cost. Designing a project under certain decision-making processes could save an applicant or developer considerable time and money in the review and approval process.

### **12. Decide which Use Pattern to follow and determine which procedures apply.**

Each section of Procedures (UDC Article 4) for a specific type of permit includes a subsection entitled “**Applicability**.” This describes situations where a particular process is needed. If the section does apply, consult other subsections to find out in detail how an application is initiated, how an application is processed, the criteria for review, and cross-references to other parts of the UDC. Most sections have a subsection entitled “**Scope of Approval**” which describes the rights granted to an applicant by approval of the permit. Not all permits entitle you to begin construction, but simply permit you to proceed to the next step in the approval process.

### **13. Identify the project submittal requirements.**

In reviewing the Development Process Manual, use the information you have collected to determine which forms, documents and plans must be submitted for project review and approval. Initially, the reviewer will conduct a “Completeness Review” to determine if all materials and processing fees needed for the application are submitted and in acceptable form. When the Completeness Review is concluded and all materials are submitted, city staff will then review for accuracy of the information submitted. At this point, the application is fully submitted and the review time clock officially starts.

### **14. Project Application Submittal.**

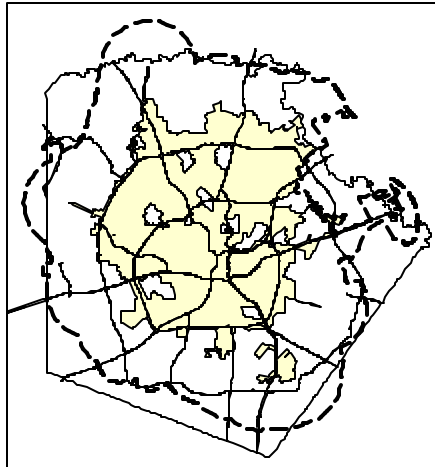
After initial Plan Review is conducted by the staff of Development Services and distributed to other reviewing and certifying departments and entities as required by the nature of the project. If the application successfully passes the “Completeness Review,” the project will proceed in one or more of the following:

- ?? Ministerial approval by the Director.
- ?? Public hearing before the Planning Commission with approval or denial
- ?? Public Hearing before the Zoning Commission with recommendation the City Council
- ?? Public Hearing before City Council with approval or denial

## EXTRATERRITORIAL JURISDICTION (ETJ)

State statutes provide that home rule cities, such as San Antonio have limited jurisdiction for regulation of development beyond their corporate limits. The ETJ covers a five-mile radius from the city limits. The primary control the city has in the ETJ is subdivision regulation. A land owner or developer whose land is not in the City Limits of any city, but in the ETJ will not be subject to the City's zoning regulations or building permitting requirements. Land owners in the ETJ need not consult the Use Matrix or the Dimensional Table in order to determine what is permitted on their land. However, the land is subject to the City's subdivision regulations, the Tree Preservation Ordinance, the requirements of Article 5, which govern infrastructure improvements, natural resource protection, and parking and storage and may be subject to future annexation. By state law, the City cannot regulate the use or density of land within the ETJ. However, you may elect to develop your land according to one of the optional Use Patterns restricted through a Master Site Plan and restrictive covenants. By choosing one of these options, you may develop under alternative infrastructure standards.

### San Antonio City Limits and ETJ



In addition to subdivision regulations, there are other sections of the UDC that may apply within the ETJ. Therefore, developers within the ETJ should review the following sections of this manual:

- ?? Edwards Aquifer Recharge Zone District (ERZD)
- ?? Planned Unit Development District (PUD)
- ?? Master Planned Community District (MPCD)
- ?? City of San Antonio Master Plan
- ?? Master Development Plan (MDP) (formerly POADP)
- ?? Master-Planned Developments
- ?? Use Patterns/Optional Forms of Development
- ?? Newly Annexed Territory
  - Vested Rights Permit
  - Development Reserve (DR)

### Site Specific Regulations

Many of the City's regulations are site or area specific, meaning they only apply within certain geographic areas. The UDC establishes *Overlay Districts* that impose additional restrictions on land over and above the zoning or other regulations that apply. The overlay districts include historic districts, areas in proximity to both ends of military airport runways, areas in proximity to airport

flight patterns, neighborhoods designated for conservation, areas designated for view protection, and the Edwards Aquifer Recharge Zone. A land owner or developer must be aware of the location of his land with respect to these geographic areas by checking the City's Official Zoning Map. If the land is located in any specifically regulated area, then he must be aware of the requirements and entitlements within each that apply. Following is a brief explanation of areas with site-specific regulations. Within "Overlay" Districts, the standards of both the base zoning and overlay districts apply. The City establishes these districts to address special situations where Base district regulations are not sufficient to protect the public. All land within an Overlay District is subject to these additional regulations. Regulations of the overlay district or special district supersede the regulations of the base zoning district and may affect the uses allowed and conditions required.

### OVERLAY DISTRICTS (35-330)

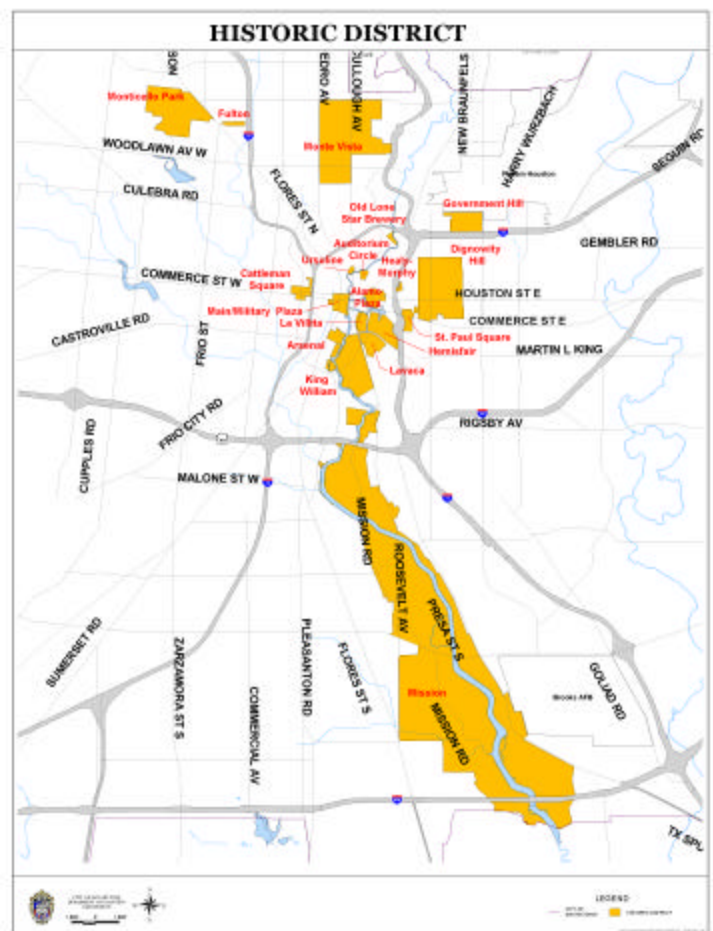
On the Official Zoning map there are overlay zoning districts that impose additional restrictions on land over and above the zoning or other regulations that apply. One of the first overlay districts was the historic overlay district. Within "Overlay" Districts, the standards of both the base zoning and overlay districts apply. The City establishes these districts to address special situations where Base district regulations are not sufficient to protect the public. All land within an Overlay District is subject to these additional regulations. Regulations of the overlay district supersede the regulations of the base zoning district and may affect the uses allowed and conditions required.

### Historic Overlay Districts (35-605)

The City has designated certain areas as historic districts in order to preserve historic resources through restoration and adaptive reuse. It also allows conservation and development interests to consider resources early in the planning process. The following is a list of the Historic Districts in San Antonio: (For a larger map go to [http://www.sanantonio.gov/PLANNING/MAPPING/HISTORIC\\_DISTRICTS.HTM](http://www.sanantonio.gov/PLANNING/MAPPING/HISTORIC_DISTRICTS.HTM))

#### HISTORIC OVERLAY DISTRICTS

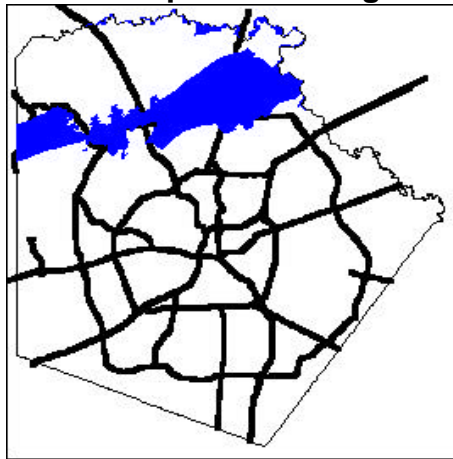
MONTICELLO PARK 1 & 2  
 OLD LONE STAR BREWERY  
 DIGNOWITY HILL  
 ST. PAUL SQUARE  
 URSULINE ACADEMY  
 AUDITORIUM CIRCLE  
 CATTLEMEN SQUARE  
 HEALY-MURPHY  
 KING WILLIAM  
 MAIN/MILITARY PLAZA  
 LA VILLITA  
 ALAMO PLAZA  
 HEMISFAIR PLAZA  
 ARSENAL  
 MISSION HISTORIC DISTRICT  
 FULTON  
 GOVERNMENT HILL  
 LAVACA



## EDWARDS AQUIFER RECHARGE ZONE (35-332)

The Edwards Recharge Zone District (ERZD) has been established for locations where the Edwards and associated limestone formations come to the surface to provide a recharge area for the underground water supply contained within these formations. This recharge zone district does not allow land uses that could adversely affect the water supply, and thereby minimizes the risk of potential occurrences where such substances could enter the water reservoir. Land uses permitted are those not having operations, production, or storage of hazardous materials that could contribute contaminants to the water supply. Properties located within this overlay district are also designated as being within one of the regular zoning districts. Authorized uses must be permitted in both the regular zoning district and the overlay district.

**San Antonio/Bexar County  
Edwards Aquifer Recharge Zone**

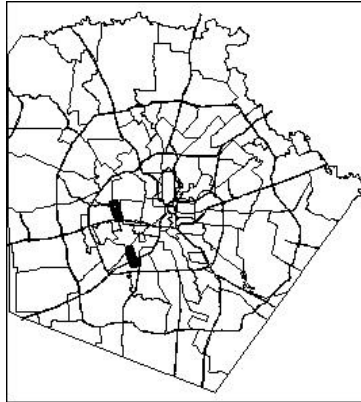


Applications for development in the ERZD are accepted by the Development Services Department. A higher processing fee is assessed (1.5 times fee for development not in the ERZD). An environmental review fee is also assessed for review by SAWS, which will be notified of the application by Development Services. The applicant should contact SAWS at any time.

## MILITARY AIRPORT OVERLAY ZONE (MAOZ) (35-334)

The City has established Military Airport Overlay Zones . . . “in order to promote the public health, safety, peace, comfort, convenience and general welfare of the inhabitants of military airport environs and to prevent impairment of military airfields and the public investment therein.” The land areas below military airport take off and final approach paths are exposed to significant danger of aircraft accidents. It is, therefore, necessary to limit the density of development and intensity of uses in such areas. Currently the only MAOZ to be established is at both ends of the Kelly USA (Kelly Air Force Base) north-south runway. Specific limitations are placed on the use of land, activities and height of structures within the MAOZ. Specific boundaries of the Military Airport Overlay Zones are shown on the official zoning map maintained in the department of development services. When an application is complete, the Director of Planning notifies the Lackland AFB Base Commander and sends a copy for review. The applicant should contact the Base Facility Civil Engineer.

## **San Antonio/Bexar County Military Airport Overlay Zones (MAOZ)**



### **Steps to Approval of Development in a Military Airport Overlay Zone (MAOZ)**

Military Airport Overlay Zones are protection areas at each end of the primary runways at a military airport. Currently, the only MAOZ is at both ends of the Kelly AFB north-south runway. Specific limitations are placed on the use of land, activities and height of structures within the MAOZ.

1. Submit application with proposed plan drawn to scale along with appurtenant information to the Director of Planning.
2. Staff will distribute to reviewing departments and agencies and conduct a completeness review.
3. Staff will assign an ID number to the plan and schedule for Planning Consideration within 30 days.
4. Once approved by the Planning Commission, the plan is transmitted to the respective departments for use in the permitting process.

Construction must begin within 12 months of plan approval. For detailed information on Military Airport Overlay Zones refer to UDC Section 35-334.

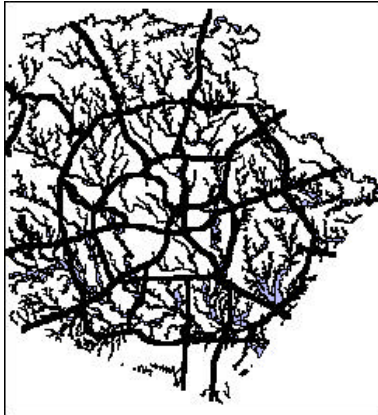
### **AIRPORT HAZARD OVERLAY DISTRICT (AHOD) (35-331)**

Land within the vicinity of airports is subject to airport hazards and the City uses Airport Hazard Zoning to protect the public health, safety and general welfare. The Aviation Department reviews the height of structures based upon distance from the runways. Properties in the vicinity of San Antonio International Airport, Stinson Municipal Airport, Kelly USA and Randolph Air Force Base are subject to the Airport Hazard Regulations.

### **FLOODPLAIN (35-461)**

No structure may be erected where the land is subject to periodic inundation and is therefore uninhabitable. These areas are approximated by the Federal Emergency Management Agency (FEMA) maps outlining the 100-year floodplain. Properties that lie within the floodplain are subject to the City's floodplain and drainage regulations. For information contact the Storm Water Engineering Division of Public Works at 207-8052.

## **San Antonio/Bexar County FEMA Floodplains**



### **NEIGHBORHOOD CONSERVATION (Overlay) DISTRICT (NCD) (35-335)**

The City Council desires to preserve, protect, enhance, and perpetuate the value of the many unique and distinctive residential neighborhoods and commercial districts that contribute significantly to the overall character and identity of the City. Neighborhood Conservation Districts may be established by the City at the request of a developer or neighborhood group to implement this policy. When approved, they become official and they will be indicated on the Official Zoning Map. Special regulations adopted at the time of establishing the NCD will apply in these Districts. An application is submitted to Development Services for zoning with approval of 51% of property owners within the proposed area, which must contain a minimum of one block face. The applicant must also meet with neighbors and leaders of affected neighborhoods.

### **VIEWSHED PROTECTION (VP) (OVERLAY) DISTRICTS (35-337)**

This district establishes regulations to protect, preserve and enhance of views and vistas within the City by authorizing and establishing viewshed protection districts. The City of San Antonio has many views and vistas of historic places, landmark buildings, and other sites of cultural importance that have always been important to the city. New development in the vicinity of these important places is usually beneficial, but when construction becomes too tall and begins to overwhelm or intrude in scale and mass, the main view or vista of a smaller place of significance, then the viewshed located behind the significant land should be protected. Viewshed protection districts are overlay zoning districts established by the City for unique situations regarding views and vistas that are not adequately covered by standard zoning districts. Each VP will have specific regulations to achieve its purpose.

### **RIVER IMPROVEMENT OVERLAY DISTRICTS (RIO-1 thru RIO-6) (35-338)**

River Improvement Overlay Districts are to protect, preserve and enhance the San Antonio River by establishing design standards and guidelines for properties located near the river. The districts cover a total of six geographic areas spanning the river from its northern boundary near Hildebrand Avenue, to a southern boundary near Mission Espada and the southern city limits. Uses authorized by the base zoning district are those permitted in the overlay districts. Procedures for project approval will follow those for projects within a Historic District, with the exception that appeals are made to the Board of Adjustment.

## Other Requirements and Regulations

The Unified Development Code (UDC) is a comprehensive and unified set of regulations for the development of land within the city and ETJ. The city not only has jurisdiction in these areas, but also a responsibility to establish goals, objectives and policies for future development of the territory. The regulations embodied within the UDC are some of the TOOLS the city can use to accomplish the goals and objectives and to implement the policies stated and adopted in these plans. Although the Master Plan, Comprehensive, Neighborhood and Perimeter Plans are not themselves regulations, they are used as guidelines in implementing policy and as a framework for amendments or for new regulations. Therefore, the plans may not be overlooked by a developer when acquiring land or when planning and developing land.

In addition to the plans, other regulations might not be geographic area specific, but are function-specific to achieve goals and objectives, to regulate nuisances, to protect resources, to maintain safety and to promote the general welfare. Discussion in this section focuses on other requirements and regulations that a land owner or developer must become aware of when contemplating his development proposal. The project or type of use proposed could very well be subject to additional regulation. In this section we have the goal-oriented regulations particularly the Major Thoroughfare Plan. We also have the safety- and nuisance-oriented regulations that cover traffic, airport hazards and drainage. We have regulations to protect our resources, such as the Tree Preservation Ordinance. There are also regulations born of necessity such as off-street parking requirements, curbs and sidewalks. Each of these regulations is discussed in this section.

### MASTER PLAN (35-105)

According to the UDC, the Planning Commission and City Council adopted the Master Plan policies in 1997. The primary purpose of the UDC is to implement the City's adopted Master Plan.

### NEIGHBORHOOD, COMMUNITY AND PERIMETER PLANS (35-105 and 35-420)

The initial neighborhood planning process was established in 1982 for the purpose of allowing neighborhoods to organize and plan their area and incorporate the plan into one that is suitable for official recognition. Several neighborhood plans have been adopted and have become integral parts of the master plan. In zoning and other issues, it is important for a developer or builder to have neighborhood support.

Adoption by the Planning Commission and City Council as a component of the City's Master Plan gives Neighborhood Plans, Community Plans, and Perimeter Plans the legal effect of the Master Plan. The recommended comprehensive rezoning of an area must be consistent with the adopted Neighborhood Plan, Community Plan or Perimeter Plan. In addition, the evaluation of rezoning requests for individual parcels is guided by the land use proposed in adopted Neighborhood, Community or Perimeter Plan. The provisions of this subsection shall apply only to those Neighborhood Plans, Community Plans, and Perimeter Plans adopted by the City Council as amendments to the City's Master Plan. Previously adopted plans referenced herein by their title and dates of adoption in which the comprehensive rezoning of an area and rezoning requests of individual parcels shall be consistent (unless and until such plans are repealed or superseded by an amendment or a new plan adopted pursuant to this Section) are:

1. Camelot 1 Update Neighborhood Plan (September 23, 1999)
2. Downtown Neighborhood Plan (May 13, 1999)
3. Five Points Neighborhood Plan (February 3, 2000)



4. IH-10 East Corridor Perimeter Plan (February 22, 2001)
5. Midtown Neighborhoods Plan (October 12, 2000)
6. Northwest Community Plan (September 24, 1998)
7. Northeast Inner Loop Neighborhood Plan (March 22, 2001)
8. Oakland Estates Neighborhood Plan (August 31, 2000)
9. River Road Neighborhood Plan Update (August 17, 2000)
10. South Central San Antonio Community Plan (August 19, 2000)
11. Westfort Alliance Neighborhood Plan (September 25, 1997)

Plans not adopted as amendments to the Master Plan, may be considered as a guide in evaluating a comprehensive rezoning or a rezoning request until such plans are repealed or superseded by an amendment or a new plan adopted as an amendment to the Master Plan.

### PARKS/OPEN SPACE STANDARDS (35-503)

Parks and open space provide valuable assets to the urban form of the City, its historical development, and general welfare of its residents. Consistent with the historical development of the City, it is intended that parks and open space should provide focal points for new communities. A central square or green, for example, may comprise a majority of the area required for dedication. Parks and Open Space Standards apply to any application for residential subdivision plat approval, unless it is for fewer than 25 residential lots; is an infill development; or there is a surplus of park and open space land within the parks planning area.

The Master Plan requires new subdivisions to include parks or to pay fees in lieu of providing parks. Developers may opt to show parks on a Master Development Plan to facilitate the phasing of subdivision plats filed pursuant to the Master Plan. This allows some plats to be approved without individually complying with this policy, so long as the requirements are met for the entire development subject to the Master Development Plan. The applicant and the City may also execute a deferment contract that provides for parks/open space during a future phase of the development. The plan is reviewed for open space connectivity and private parks may be allowed.

### CONNECTIVITY STANDARDS (35-503(i) and 35-506(e))

The City has determined that an interconnected system of parks, trails, greenways, and bikeways provides a greater public benefit than isolated parks with access exclusively by automobiles. Accordingly, incentives are provided for developers to link parks and open space provided pursuant to this section with park and open space areas. It is not the City's intent to require developers or land owners to provide a general public benefit, but rather to create incentives for creativity in the design of parks and open space as well as creative opportunities to meet connectivity requirements.

Discontinuous Street systems are inefficient and have the effect of channeling traffic onto relatively few points of the transportation network. This section provides for both external and internal connectivity. External connectivity is promoted by requiring developers to connect to the existing Street network. Internal connectivity is promoted by requiring a connectivity index for internal Streets. The connectivity index preserves the opportunity to provide cul-de-sacs while, at the same, maintaining the integrity of the network as a whole. The Connectivity Index is calculated by dividing the number of street links in the project by the number of nodes. A minimum index number of 1.2 is required for all projects. (35-506(e))



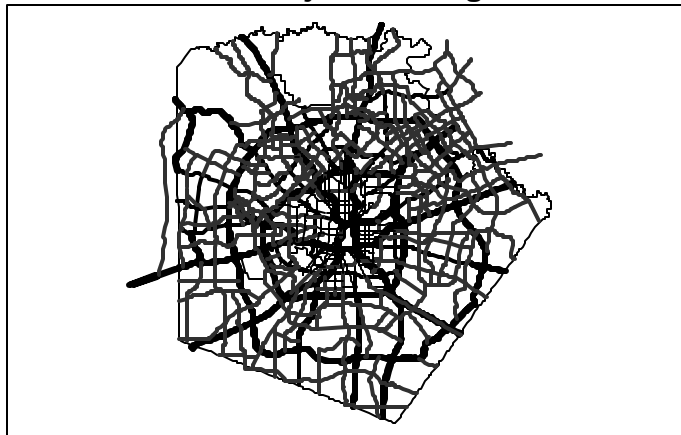
## TRANSPORTATION AND STREET DESIGN (35-506)

This Section prescribes minimum design standards for Streets within new subdivisions, developments requiring site plan approval, and for developments requiring a zoning permit. Unlike the situation in traditional subdivision regulations, one intent is to permit narrower street widths while requiring greater connectivity in order to more efficiently disperse traffic, protect pedestrians from high vehicular speeds, and to enhance the Streetscape. Streetscape planting is also enhanced. For Conventional Subdivisions, Commercial Centers, and Applications for Development Approval within conventional zoning district, the existing Street widths and design standards are retained in order to accommodate the heavier traffic levels and greater reliance on vehicular travel.

## MAJOR THOROUGHFARE PLAN (35-105)

The City's Major Thoroughfare Plan provides a framework for the alignment and construction of major thoroughfares in the City and its ETJ. Development proposals must be reviewed by the Planning Department to ensure compliance with the Plan. This review occurs during the review of MDPs, PUDs, plats and other development related plans.

### **San Antonio Major Thoroughfare Plan**



## TRAFFIC IMPACT ANALYSIS (TIA) (35-502)

For all new commercial construction and zoning applications, a traffic impact analysis worksheet must be submitted the Department of Development Services. Staff will determine whether or not an actual traffic impact analysis study will be required. The basis for the TIA study is whether or not you exceed a threshold of 100 vehicle trips in your peak hour. Every building plan set must have a Traffic Impact Analysis (TIA) Threshold Worksheet submitted with its application.

## OFF-STREET PARKING AND STORAGE REQUIREMENTS (35-525 and 35-526)

Off-street parking requirements are established to ensure that there is adequate parking at places of activity and that they meet minimum size, location and construction standards. Sufficient amounts of properly designed off street parking should be provided for the land use intended. Parking layouts must be designed to allow easy internal maneuvering as well as ingress and egress from the parking area without backing into the street or sidewalks.

Submit a parking layout so that all spaces can be reviewed for all new commercial construction or for a change in use of an existing building. Requirements regarding the number and size of off-street parking spaces are established in the Unified Development Code. Sections 35-525 through 35-527 of the UDC establish the regulations that commercial developments must adhere to in providing parking and storage facilities including a minimum number of parking spaces, a minimum number of bicycle spaces, and the maximum number of parking spaces permitted.

Off-street parking facilities must be provided for all uses except where otherwise indicated in 35-526. The location, design, and number of spaces must meet the requirements of 35-525. In the event a use is enlarged or expanded, the amount of off-street parking facilities that would be required if the increment were a separate use must be provided.

Outdoor Storage Standards apply to the keeping, in an unroofed area, any goods, junk, material, or merchandise in the same place for more than twenty-four (24) hours. Outdoor Storage is divided into five class categories as defined in 35-525.

The Texas Accessibility Standards, to include handicap parking, wheel chair ramps, and sidewalks must be complied with in all plans submitted for review. Accessible spaces shall be provided in each parking area where parking is required, for self-parking by employees or visitors, or both.

### **DRAINAGE REQUIREMENTS (35-505)**

The flood hazard areas of San Antonio are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare. Flood losses are created by the cumulative effect of obstructions in floodplains that cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed, or otherwise protected from flood damage. The purpose of this division (35-505) is to promote land use controls necessary to qualify the city for flood insurance under requirements of the National Flood Insurance Act of 1968.

Drainage plans are prepared by the City for specific watersheds to ensure that storm water management considers and provides reasonable safety from flood hazards for people and land and to integrate stormwater management with natural resource enhancement and protection, compliance with environmental regulations and with creating appropriate development. No building or structure is allowed within the 100-year floodplain without a floodplain development permit.

### **Steps to Approval and Compliance with Drainage Requirements**

1. Submit to the Director of Development Services a complete application with all forms, applications, agreements, studies, engineering, calculations
2. File a floodplain development permit application with Public Works
3. Calculate amount of impervious cover created by the project
4. Prepare a drainage study
5. Design detention pond
6. Regional Storm Water Participation

For all new construction the applicant must detail the change in the impervious cover, establish the impact upstream and downstream and provide flow calculations. Department of Public Works Storm Water Engineering staff will determine, based upon a drainage report prepared by a professional engineer, whether payment of fees in lieu to the regional detention system is allowable.

Storm Water Fee in Lieu of Providing On-Site Detention – Per Section 35-504 of the City Code, the City Council established drainage charges to be paid by users of benefited land in the service area of the Drainage Utility. The determination of the schedule of drainage charges is deemed nondiscriminatory, reasonable and equitable to provide regional detention and retention ponds, watershed protection, land purchase, waterway enlargement, channelization, improved conveyance structures and administration of the Drainage Utility.

Storm Water Development Fee Schedule – The storm water development fee is a one-time drainage charge assessed against developers who elect to have their land served by the Drainage Utility pursuant to section 35-504 of the City Code. This charge will be assessed at either the platting or permitting step for properties platted after to May 18, 1997.

### STORM WATER MANAGEMENT (35-504)

The purpose of this Section is to provide adequate measures for the retention, detention and distribution of storm water in a manner that minimizes the possibility of adverse impacts on both water quantity and water quality during development.

The City of San Antonio has determined that regional storm water management is preferable to site specific storm water mitigation. The regional storm water management program provides for the administration, planning, design, construction, and operational management of regional storm water facilities (RSWF). Regional storm water management uses a watershed-wide approach to analyze potential flooding problems, identify appropriate mitigation measures and select site locations and design criteria for RSWF. These RSWF include, but are not limited to, regional detention and retention ponds, watershed protection, land purchase, waterway enlargement, channelization, and improved conveyance structures. The regional storm water management program allows developers to participate in the program rather than constructing the on-site detention controls required by this Section, where the resulting use of a RSWF will not produce a significant adverse impact to other properties due to the increased runoff from the proposed development.

An applicant should request watershed information and requirements from Storm Water Engineering. Procedures for application and submittal are in Appendix B. The City's drainage ordinance is Appendix F of the UDC.

### STORM WATER POLLUTION PREVENTION

Storm water discharges from construction activities including clearing, grading and excavation are covered under Environmental Protection Agency regulations under the NPDES program on November 16, 1990 as being "storm water associated with industrial activities" if the activities result in the disturbance of one or more acres of total land area, including areas part of a larger common plan of development or sale. Storm water discharges from construction activities including clearing, grading, and excavation activities that result in the disturbance qualifies as an industrial activity.

### **Steps to Approval and Compliance With Storm Water Requirements**

1. Develop sediment and erosion controls for the site.
2. Develop storm water management measures including a Storm Water Pollution Prevention Plan (SWP3) and submit with plat application or building permit application. Make the SWP3 available to SAWS personnel during site inspections.

3. File a Notice of Intent (NOI) with the EPA, at least 48 hours prior to starting an approved construction activity and at least 48 hours prior to a new individual taking over as the site 'operator'. Send copy of NOI to SAWS.
4. Install appropriate best management practices (BMPs) correctly and in a timely manner.
5. Perform inspections biweekly and after a 1/2" rain event. Maintain BMPs in good working order and keep the SWP3 plan current.
6. File a Notice of Termination (NOT) and remove controls when the project meets the definition of "final stabilization" or is totally completed.

### **Submittal Requirements for Storm Water Pollution Prevention Plan (SWP3)**

#### **SITE INFORMATION**

1. Existing soil conditions and runoff water quality
2. Location of existing waters on the construction site
3. Information on Endangered Species on the site
4. Name of the receiving waters
5. Latitude and Longitude coordinates

#### **SITE PLAN CONTENTS**

1. Description of the construction activity.
2. Description of the intended sequence of events for major activities, which disturb soils.
3. Designate areas of construction. Specify areas that are not to be disturbed.
4. Specify entry and exits, location for equipment, storage, waste disposal areas, major structural and nonstructural controls, surface water flow direction, etc.
5. Include topography, slopes, drainage patterns, existing storm drains and discharge points.
6. Measure area, determine drainage patterns, and calculate runoff coefficient.

#### **EROSION & SEDIMENT CONTROL PLAN CONTENTS**

1. Select erosion and sediment controls based on the most appropriate for the site.
2. Indicate the control measures you will use and mark their location on the site map. Make and date plan revisions as needed.
3. Prepare a biweekly inspection and maintenance plan (include comment and signature area).
4. Additional stabilization measures are required if an area sits idle for more than 14 days. Where construction activities will resume within 21 days, stabilization is not required until activities cease.
5. Certify the plan. Signature of an authorized representative must review and certify that the information is true, and assume liability for the plan.
6. For sites with a common drainage location that serves an area of 10 or more disturbed acres at one time, a temporary sediment basin providing 3600 cubic feet of storage per acre drained is required, (or equivalent control measures until final stabilization is reached).

### **Plan Location**

A copy of the SWP4 plan must be kept on the construction site from the time the project starts until it reaches final stabilization. The plan must be available to the inspector. Operators must retain records for 3 years following project completion.

### SUBMIT THE NOTICE OF INTENT (NOI)

Following completion of the SWP3, site operators must submit their NOI at least 2 days prior to starting a project. Send the original to EPA by registered mail with return receipt at the address on the back of NOI form. Fax or mail a copy of the NOI to SAWS (the local MS4 operator).

### Construction/Implementation

Implement erosion and sediment controls specified in the SWP3, insure proper installation of controls by performing and documenting regular inspections. The EPA general permit requires inspection by a qualified inspector every 14 days or within 24 hours of a storm event (0.5 inches or more). Keep all controls in good operating condition until final stabilization. Record all inspections and keep with the SWP3. Correct any deficiencies in the SWP3 before the next inspection to avoid penalties. Minimize the off site vehicle tracking of sediment and the generation of dust.

### Update/Change The Swp3

The SWP3 must accurately reflect any day-to-day changes at the site. Revise the plan to show any changes the operator makes to correct measures that are not effectively controlling/minimizing pollutant discharges from the site.

### Notice Of Termination (NOT)

The NOT is submitted under two conditions:

1. After “final stabilization” and the facility no longer discharges storm water associated with construction activities; **or**
2. When there is a change of site operator.

**Environmental Protection Agency** Region 6: [www.epa.gov/earth/r6/6en/w/sw/home.html](http://www.epa.gov/earth/r6/6en/w/sw/home.html)

**T.N.R.C.C.:** [www.tnrcc.state.tx.us/publications/gi/145/ch11.html](http://www.tnrcc.state.tx.us/publications/gi/145/ch11.html)

**S.A.W.S.:** [www.saws.org](http://www.saws.org) (an interactive BMPs site is available under [functions link](#) - “TGM”)

For information on BMP's: [www.txnpsbook.org/](http://www.txnpsbook.org/)

### **SAWS CONTACTS**

Surface Water Resource Protection Division, Martin Miller, Manager 704-7460

Construction Section, Phil Handley, Supervisor 704-7467

### Storm Water Quality Specialists

Central Bexar County Albert Vargas 704-7532

Western Bexar County Robert Morales 704-7571

Eastern Bexar County Kathy Prenzler 704-7539

South Bexar County Ed Griffin 704-7439

Fax: (210) 704-7596

SAWS Mailing Address: P.O. Box 2449 San Antonio, Texas 78298-2449

SAWS Physical Address: 1001 E. Market St. San Antonio, Texas 78205

## TREE PRESERVATION PERMITS (35-523)

Provisions of the UDC 35-523 apply within the City and its ETJ at the platting and building phases. Compliance with the Tree Preservation Ordinance is required before any site work is initiated including clearing and grading. It is implemented for site work, platting of land, new construction and additions 2,500 sq. ft. or greater including parking lots. Tree preservation is coordinated at the Master Development Plan (MDP) phase of development.

### **Steps to Approval of Tree Preservation Permit**

1. Submit application for tree affidavit/permit along with all necessary documentation to Development Services.
2. Submit plan on a separate sheet labeled TP with site plan, property line, setbacks, rights-of-way, easements, locations of proposed buildings, elevations (topography), other infrastructure components and protected trees.
3. An inspector will visit the site to review and verify the information.
4. Following a completeness review, the affidavit/permit will be approved and issued, or applicant will be notified of denial and what is necessary to bring the application into compliance. Additional fees can be required for incorrect submittals.
5. Provide protective fencing prior to the initiation of site/construction work. If the initial inspection was completed before construction was to begin, another inspection is required to insure that the protective fencing is erected properly.
6. A final inspection is required for the Certificate of Occupancy and can include both tree preservation and landscape.
7. Note: Compliance with the Tree Preservation Ordinance can occur at any time including before the building permit is issued.

Tree Affidavit/Permit – The form used for compliance is the Tree Affidavit/Permit application. Three copies of the site plan with the tree preservation plan (tree inventory protection notes) are required for the Inspector. Submit 3 copies when applying for a building permit. The applicant should choose one of the following four options.

1. *No Protected, Heritage, or Historic trees; OR*
2. *This work will in no way cause the destruction of or damage to any Protected, Heritage, or Historic trees located in a Historical Overlay District; OR*
3. *Has Protected, Heritage or Historic trees that will be removed from areas to be inventoried*
4. *This site is exempt from the Tree Preservation Ordinance, Development Permit # \_\_\_\_\_.  
(See Development Rights Permit section below); OR*

Plan Requirements –Minimum requirements for Tree Protection Notes or Specifications similar to those shown on the tree preservation plan may be obtained at the One Stop.

## LANDSCAPING, BUFFERS, STREETSCAPE (35-510 and 35-511)

The purpose of these landscaping, Street tree, screening, and buffer requirements is to provide standards that will protect the health, safety and general welfare of the public, enhance land values, and improve the appearance of the community through preservation of natural resources, trees, and native plants and maintaining the ecological balance of the area.

Buffering in 35-510 provides landscaped separation between residential and nonresidential uses and to screen from view certain land uses that may create visual clutter and distraction. The standards of this section provide for increases in the width and the opacity of the buffer yard as the land use intensity of the new or expanded development increases.

This section applies to the construction or erection of any new building or structure for which a building permit is required; any enlargement exceeding one thousand (1,000) square feet or ten (10) percent in area, whichever is greater, of the exterior dimensions of an existing building for which a building permit is required; and/or any construction of a new parking lot or expansion of an existing parking lot within the Street Yard by more than two thousand (2,000) square feet or ten (10) percent in area whichever is greater.

The landscape plan must meet mandatory requirements of screening, caliper of new trees, mulching, irrigation source, distance from pavement in street yard, relationship to overhead utility easements and protection from damage. In addition, landscape plans must earn a minimum of 60 points using a point system. Landscaping review fees are incorporated in the building permit review.

### Streetscape Planting Standards (35-512)

In addition to developments subject to the Landscaping Standards, the following are subject to the Streetscape Planting Standards: all developments with five (5) or more parking spaces; and all developments requiring Subdivision review. Streetscape Planting Standards do not apply to any Street classification unless Street Trees are required by the Street Improvement Standards in 35-506.

### Fences and walls (35-514)

No fence or wall, or portion thereof, shall exceed one-hundred (100) horizontal feet in length unless one of the following architectural features visible from the paved surface of the street is provided as part of the fence: a column or pillar; or articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least one (1) foot and extending a horizontal distance not less than three (3) or more than twenty (20) feet. These provisions do not apply to a fence or wall constructed of brick, masonry, or iron fencing that is at least fifty percent (50%) open voids.

## CURBS AND SIDEWALKS

The construction of standard curbs and sidewalks is a requirement in the planning process and a condition of the granting of a building permit in each of the following cases:

1. A new building or structure when curbing is in place or curb lines are established.
2. The repair or improvement of an existing building or structure when curbing is in place or curb lines established and most of the repair or improvement amounts to twenty-five (25) percent or more of the assessed evaluation of the building/structure as set by the City Tax Roll.
3. A new or an additional driveway approach is being proposed.

For further information see Curbs and Sidewalks under Miscellaneous Permits.

## How to Establish Rights or Entitlements for Your Development

The first two sections of this chapter have indicated what is, and is not subject to the UDC by discussing the regulations and restrictions that affect land in certain locations and regulations affecting some proposed developments because of a City goal or because of a proposed use. This section describes how a land owner or developer can establish the right to pursue a proposed development. There are existing and pre-existing rights that must be established when the land is annexed or the zoning is changed. For some uses that become non-conforming uses, there is a procedure to continue such use for a period of time. For a project that legally began prior to a new ordinance, there is a procedure to establish the right to continue the project under the previous rules. Following those two sections is the process for establishing the right to do something new with the land. We call that section Establishing New Rights.

### CONTINUING LAWFUL USE OF LAND AND STRUCTURES (Non-Conforming Rights for Non-Conforming Use)

Non-conforming rights establish the lawful right to continue a non-conforming use following annexation into the City of San Antonio. A nonconforming use is the lawful use of land existing on the effective date of this chapter or upon annexation, although such use does not conform to current zoning or the UDC. It may continue so long as it is not discontinued for a period of 12 months.

In order to establish nonconforming rights, the owner may register the nonconforming use or structure by filing a registration statement with the Department of Development Services. The registration statement must include a disclosure of the complete ownership of the land and/or structure and the owner or agent must be able to furnish all necessary information and representation as deemed appropriate by the Director of Development Services.

### NEWLY ANNEXED TERRITORY (35-307)

Newly annexed territory is unique because as it is annexed, the City establishes a zoning classification. Annexed land will be zoned in accordance with procedures required by state law and 35-307. From the date of annexation until the land is zoned to a permanent zoning classification, annexed land will be zoned as a Development Reserve (DR) district, except as otherwise provided in this section. Land in the area annexed becomes subject to all city ordinances, including zoning and building permits. Some land uses that were legal in the ETJ become illegal under new zoning classifications. Land owners and developers must become aware of how their entitlements are affected by the UDC and the Building Codes. All newly annexed businesses (including apartment complexes with 5 or more units) must immediately obtain a Certificate of Occupancy.

Zoning in conjunction with annexation proceedings. The owner(s) of land being annexed to the city may apply for zoning on or after the date Council institutes annexation proceedings.

Master-Planned Developments. For any master-planned development approved as a Planned Unit Development, Master Planned Community District, Traditional Neighborhood Development, or Business Park, the City may incorporate the terms of the City approved Master Development Plan into a zoning ordinance following annexation of land.

Development Agreements. Land that is subject to a development agreement may be designated in accordance with any zoning district classifications set forth in the development agreement, and is regulated by the development agreement.



Long Range Comprehensive Plan (Master Plan). If the City adopts a Comprehensive Plan with land use categories and designation of the zoning districts related to the land use categories, it is a guide for private development as well as for public development. The owner(s) of land affected may apply for rezoning to a classification consistent with the Comprehensive Plan in lieu of a temporary zoning classification.

### VESTED RIGHTS PERMIT (VRP)

Planning Department. The Vested Rights Permit, sometimes called "Grandfathering," establishes the right of a land owner or developer to complete a project under the rules, regulations and ordinances that were in effect at the time the project was initiated through a permit. When vested rights have been established by permit for land within the boundaries of a project, ordinances adopted after the date the project is initiated do not apply to the project, except as specifically stated in the UDC.

#### **Steps to obtain a Vested Rights Permit**

1. Submit application for a *New Vested Rights Permit* to the Planning Department with evidence to include one or more of the following:
  - ?? A Master Development Plan approved by the Planning Department and validated through platting activity.
  - ?? A plat application that was filed with the City within the past 18 months
  - ?? An unrecorded plat that has been approved by the city within the past 3 years
  - ?? A Building Permit that has been approved for construction within the past 6 months
  - ?? A SAWS-verified sewer and water contract executed prior to September 1, 1997
2. If the Completeness Review is successful, the Director of Planning will forward the package to the City Attorney for evaluation and approval.

The time line for new projects begins on the date of application for Vested Rights Permit submittal. The time line for old projects (prior to 2001 UDC/May 3, 2001) begins on the date that the ordinance passed.

## How to Establish New Rights for Your Development

City regulations facilitate changes in existing conditions on your land to allow different types of development. A builder or developer has the opportunity to establish new or additional rights on their land by following one or more of the processes described in this chapter. This chapter covers rezoning, special planned developments, development in restricted areas, subdivision platting and utility considerations. Unless land is platted and properly zoned for the intended use, at least one of the following processes will need to be followed before a building permit can be obtained.

### PROCEDURAL ELEMENTS

General procedural elements for establishing new rights common to all applications. Procedures for all applications have five common elements. Following is a description of these elements:

1. Submittal of a complete application, including required fee payments and appropriate information
2. Review of the submittal by appropriate staff, agencies, and boards
3. Action to approve, approve with conditions, or deny the application
4. Appeals to the appropriate board
5. A description of the actions authorized by the permit and the time period for exercising rights under the order or permit.

Completeness Review (35-402). The provisions of this Section apply to any application, unless otherwise provided in the regulations for the specific application or permit. A typical completeness review includes the following elements:

1. Pre-Application Conference between the applicant or his agent and the Director or his designee.
2. Application materials required in Appendix B of the UDC must be included with filing fees required in Appendix C.
3. Review procedures include completeness decision by the Director with time limits triggered by a complete application. Director has 5 days to determine completeness. Applicant may appeal Director's decision to which appellate agency has 5 days to write the final determination or application is deemed complete.

Notice Provisions. The notice requirements for each type of application for development approval are prescribed in the individual subsections of Article 4 and/or the Texas statutes. Notice requirements for certain types of public hearings are established in 35-403.

Citizen Participation Plan (35-409). The City encourages applicants to meet with surrounding neighborhoods prior to filing an application for a permit that requires review and a public hearing. Citizen participation prior to public hearings will be noted by the governing body when considering the need for a continuance. A Citizen Participation Plan is required for a PUD and optional for a MDP as well as in the ETJ. Applicant may meet with members or representatives of a neighborhood association registered with the Planning Department that includes the subject land and/or is within 200 feet of the subject land and is in accordance with the requirements of 35-420. Documentation of Citizen Participation efforts is required.

## Ministerial Permits or Approvals (35-424)

Ministerial Permits or Approvals are procedures for permits that do not require a public hearing. A public hearing is not required for permits if one or more of the following reasons exists:

- ?? If required, public hearings have already been conducted relating to the permit application, and the permit application procedure is to ensure that the proposed use complies with a previously approved subdivision plat (amending plat, minor plat no public hearing no variance), MDP, specific plan, plan amendment, or conditional rezoning (building permit, certificate of occupancy).
- ?? The proposed use is permitted "by right" in the applicable zoning district (e.g., building permit, certificate of occupancy).
- ?? The proposed use is subject to expedited review in order to avoid an unconstitutional prior restraint on speech (e.g., sexually oriented businesses, signs) or because of federal law (e.g., telecommunications permits).

## USE PATTERNS/OPTIONAL FORMS OF DEVELOPMENT

The Use Patterns available in the UDC are *optional* forms of development that may be permitted in the various zoning districts. Use Patterns are specific land use activities that involve specific land uses and design controls that produce a discrete pattern of development. Conventional and Conservation patterns are plats subject to the process on page 65. All other use patterns are subject to rezoning process on page 53.

### Conventional Subdivision (35-202)

The conventional subdivision Use Pattern has been the dominant pattern of single-family residential subdivision development in metropolitan areas in Texas and the United States for 50 years. Conventional subdivisions feature curvilinear streets and cul-de-sacs, few points of access into the subdivision, and large front yards. Provisions of this Section apply to any application for Subdivision Plat approval within a Base Zoning District or within the ETJ, except as otherwise provided.

- (a) Applicability. Applies to any application for Subdivision Plat approval within a Base Zoning District or within the ETJ, except as noted.
- (b) Processing Procedures. Processed pursuant to the review procedures for subdivision plats
- (c) Size And Location Of Site. There is no minimum or maximum size.
- (d) Uses & Density. Conventional subdivisions must comply with standards of the zoning district in which it is located, are subject to the minimum lot size requirements of the Dimensional Matrix. The provisions of this subsection do not apply to the City's extraterritorial jurisdiction.
- (e) Traffic Impact Analysis (TIA). A Conventional Subdivision must comply with TIA Standards.
- (f) Lot Layout. A Conventional Subdivision must comply with the Lot Layout Standards.
- (g) Transportation Standards and Table 202-1 for street design guidelines of Table 506-3.
- (h) Storm Water Management. Comply with the Storm Water Management Standards, 35-504.
- (i) Utilities. Comply with Utilities Standards, 35-507.
- (j) Parks & Open Space. Comply with the Parks and Open Space Standards.
- (k) Natural Resource Protection. Comply with the Natural Resource Protection Standards.
- (l) Buffers, landscaping, Streetscape Planting & Tree Preservation Standards within the City limits. Within both City limits and ETJ, comply with Tree Preservation Standards required by 35-513.
- (m) Parking. Comply with the Parking Standards of this Chapter.
- (n) Outdoor Storage. Comply with the Outdoor Storage Standards of this Chapter.
- (o) Urban Design. A Conventional Subdivision is not subject to the Urban Design Standards.

### Conservation Subdivision (35-203)

A Conservation Subdivision establishes the use pattern for a developer desiring to follow unique standards for lot layouts that maximize the preservation of natural resources and open space. Established through the platting process in accordance with subdivision procedures, a conservation subdivision may be platted within a Resource Protection District, but the concepts are distinguishable. A conservation subdivision may be permitted in any Zoning District except: D, F-1, F-2, MXD, or IDZ.

### Commercial Center (35-204)

A Commercial Center is the option for a developer that desires to provide shopping, service and employment opportunities within walking or driving distance of residential areas. The Center is spatially defined and concentrated in a nodal pattern, as opposed to conventional strip shopping centers. Commercial Centers feature urban design guidelines such as zero setbacks and streetscapes with windows and entryways.

### Office or Institutional Campus (35-205)

An Office or Institutional Campus (Campus) is an option for a developer that desires to provide special places of employment or civic uses interspersed with open space areas and pedestrian walkways. This district is for business uses that carry on their operation in enclosed facilities where no negative impact is created outside of the boundaries of the business park district.

### Commercial Retrofit Development (CRD) (35-206)

A developer should request the CRD option if he desires to redevelop an existing shopping center, big-box retail site, or other site characterized by large expanses of surface parking into a new development pattern that is pedestrian friendly, compatible with surrounding development, provides a visually attractive site design, and reduces reliance on the automobile for vehicular trips.

### Traditional Neighborhood Development (TND) (35-207)

A developer should request the Traditional Neighborhood Development (TND) option in order to combine a variety of housing types with commercial and civic uses in a compact, walkable neighborhood setting. A TND may not be appropriate where severe environmental constraints, such as steep slopes, wetlands, or streams preclude street interconnections and high impervious surface coverage (such as in the Edwards Recharge Zone District, ERZD).

### Transit Oriented Development (TOD) (35-208)

A Transit-Oriented Development district is for the developer that desires a more intense and efficient use of land at increased densities to provide a mixture of residential, commercial, and employment opportunities within identified light rail station areas or other high capacity transit corridors or areas served by transit. Development standards of the zone encourage a safe and pleasant pedestrian environment near transit stations with an intensive area of shops and activities, with amenities such as benches, kiosks, and outdoor cafes, and by limiting conflicts between vehicles and pedestrians. A TOD district is restricted to areas within 1/2 of a mile of a transit station.

## Master Development Plan (MDP) (35-412)

A Master Development Plan as established in 35-412 is required in all instances when a tract of land within the City or its extraterritorial jurisdiction (ETJ) requests subdivision plat approval in which the entire land will be subdivided in two (2) or more plat phases or units.

### **Steps to Approval of a Master Development Plan (MDP)**

The Master Development Plan is a method of communication between a developer and the City. Formerly known as a Preliminary Overall Area Development Plan (POADP), the MDP will be used by the City to determine if a proposed development is in general compliance with current regulations and the City Master Plan, and to ensure adequate traffic circulation within the land to be developed and the adjoining properties. A Master Development Plan may be submitted concurrent with a rezoning application. If electing to incorporate citizen participation, an applicant for a MDP may follow the recommended procedures and submit documentation of such efforts at the earliest feasible time in the process

1. Submit application with proposed plan drawn to scale along with appurtenant information to the Director of Planning.
2. Staff will distribute to reviewing departments and agencies and conduct a completeness review. The Director of Planning will provide a written response indicating whether or not the Master Development Plan is complete within 5 working days after submittal.
3. Applicant files within 30 days of the mailing date of staff come a written response to any staff comments or resolve outstanding issues prior to final approval.
4. Staff will assign an ID number to the plan and schedule for Planning Consideration within 45 days.
5. Once approved by the Planning Commission, the plan is transmitted to the respective departments for use in the permitting process.
6. City staff evaluates plan for general conformance with UDC and recommends changes or accepts or rejects the plan as submitted.
7. Director of Planning must respond in writing to the applicant within 20 working days of a complete package. The timeline for reviewing a revised MDP is 15 working days.

Accepted MDP files are maintained in the Planning Department. Subsequent & related plat filings are then matched with the plan to assure conformity. For continued recognition, a MDP must be validated by filing a plat within 18 months of the acceptance date.

## MASTER DEVELOPMENT PLAN FLOW CHART

## ZONING PROCESS

Zoning is the power granted to cities that allow them to establish limitations on all land and structures within the city limits. In using this power, the City of San Antonio has created “zoning districts,” which are mapped to indicate the extent of each zoning district in relation to properties. Zoning districts are used to designate allowed uses, bulk and area requirements, setbacks from Property lines and parking requirements. Regulations apply uniformly to all zoning districts in the City that have the same designation. The base zoning district designation (“zoning”) that applies to each land determines one type of regulation that will impact the use of the land.

Neighborhood Plans, Community Plans and Perimeter Plans are components of the City’s Master Plan. According to 35-420, all rezonings that take place within the boundaries of these plans must be consistent with the plan.

A change in zoning classification entails two public hearings: one conducted by the Zoning Commission and one by the City Council. The applicant and or his representative must be present at both hearings to explain the purpose for the requested zoning change. If no one is present at the public hearings to explain the request, the zoning change may be denied, postponed or continued. In the event of a postponement, the applicant will be assessed a postponement fee before the request is rescheduled.

### **Rezoning Steps**

1. Communicate information on your project to the Councilperson and the zoning commissioner in whose district the zoning case is located to
2. Submit the zoning application with all required information for completeness review, pay fees and schedule zoning public hearing date.
3. Meet with neighborhood leaders and neighborhood residents to communicate information on your project
4. Zoning staff will send notices to the public ten days before the Zoning Commission hearing.
5. Attend the public hearing to state your case or answer questions. Zoning Commission will send recommendation to City Council for approval or denial of your request.
6. Schedule zoning public hearing with City Council and pay fees.
7. Zoning staff will send notices to the public fifteen days before the City Council hearing.
8. Attend the City Council public hearing to state your case or answer questions. City Council will approve or deny your request.

## ZONING PROCESS FLOW CHART



**IMPORTANT**

It is very important to contact the City Council person and the Zoning Commission member of the district in which your case is located. Your application can be denied or postponed if the City Council person or the Zoning Commission member is not aware of your request. The names and telephone numbers of the City Council and Zoning Commission members are shown below. Also, it is important to meet with any neighborhood association in which your land may be located. Staff will provide the name of the neighborhood association and the association's current contact person.

COUNCIL DISTRICT	CITY COUNCIL MEMBERS	PHONE #	ZONING COMMISSION MEMBERS	PHONE #
MAYOR	ED GARZA	207-7067	RALPH MEHRINGER	492-8991
1	BOBBY PEREZ	207-7279	GILBERT KISSLING	735-9433
2	JOHN SANDERS	207-7278	CLARENCE MC GOWEN	822-3708
3	TONI MOORHOUSE	207-7064	VERNON HOPHAN	377-6182
4	ENRIQUE MARTIN	207-7281	HENRY R. AVILA	924-7070
5	DAVID A. GARCIA	207-7043	RITA ANN CARDENAS-GAMEZ	226-5373 (home) 513-0070 (pager)
6	ENRIQUE M. BARRERA	207-7065	CHRISTOPHER MARTINEZ	433-9999
7	JULIAN CASTRO	207-7044	JODY SHERRILL	521-9058
8	BONNIE CONNER	207-7086	JERRY MORELL	558-3393
9	CARROLL SCHUBERT	207-7325	JIM MC ADEN	408-1145
10	DAVID CARPENTER	207-7276	STEVEN B. GRAU	834-1272

\* CHAIRPERSON

\*\*VICE-CHAIRPERSON

**Conditional Zoning (35-422) (formerly Special Use Permit (SUP))**

The conditional zoning procedure allows a land use not permitted within an area by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions. Granting of a conditional zoning classification is not for all uses permitted in a given district but only for the conditional use (bookkeeping office, photography studio, etc.) named in the ordinance approving the conditional zoning district.

Approval process for a conditional zoning district begins by filing an application with the Director of Development Services. The application must be signed and filed by the owner, a contract purchaser or owner's agent of land included within the boundaries of a proposed conditional rezoning. The application for a conditional use is the same as for a change in the base zoning district. If the requested use(s) is listed as a Specific Use within the conditional zoning district, approval of a conditional zoning district constitutes approval of the Specific Use. Conditional Zoning carries continuing obligations as outlined in the chapter on Occupy a Building or Space.

**Specific Use Authorization (35-423) (formerly City Council approval (CC))**

The purpose of Specific Use Authorization is to provide for certain uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not permitted in certain zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in a location. These uses may be permitted through the issuance of a Specific Use Authorization permit by the City Council after ensuring that the use can be accommodated on the specific land, will be in conformance with the master plan, can be constructed and operated in a manner compatible with

surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the City will be protected.

This applies to any application for approval of a Specific Use Authorization. Specific Use Authorizations are those uses that are generally compatible with the land uses permitted by right in a zoning district, but require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as Specific Use Authorizations in a zoning district, as set forth in the Use Matrix (35-311), may be authorized by the City Council.

An owner of land within the City, or a representative, may apply for a Specific Use Authorization for that land by filing an application with the Director of Development Services. The application must include the material required in Appendix B of the UDC for a Specific Use Authorization (35-B111).

### SPECIAL (ZONING) DISTRICTS (35-340)

The City of San Antonio has created special zoning districts that allow specific uses and establish specific operating standards and site plan requirements. Current special districts include: Mixed Use District (MXD), Transit Oriented Development District (TOD), Infill Development Zone (IDZ), Planned Unit Development District (PUD), Master Planned Community District (MPC), Business Park District (BP), Entertainment District (ED), Sand Gravel District (SGD), Quarry District (QD), Military Reservation District (MR), Development Reserve (DR), Neighborhood Preservation (NP), Manufactured Housing (MH) District. Developers or businesses seeking to establish rights to one of these uses must comply with the appropriate regulations. Either the City or a developer-applicant may establish "Special" Districts for uses that cannot be adequately addressed by the Base District regulations. Unlike Overlay districts, these districts are independent of the Base zoning districts. Special Districts apply to a specific area with separate use and design regulations and require master plans to be submitted to the Director of Planning.

#### Mixed Use District (MXD) (35-341)

To provide concentrated residential, retail, service, office and mixed uses. This district does not regulate land uses but, instead, permits uses to be established subject to design standards established in the Use Patterns (Article 2). Urban design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas.

#### Transit Oriented Development District (TOD) (35-342)

The Transit-Oriented Development District encourages a mixture of residential, commercial, and employment opportunities within identified light rail station or other high capacity transit areas. The district allows for a more intense and efficient use of land at increased densities for the mutual re-enforcement of public investments and private development. Uses and development are regulated to create a more intense built-up environment, oriented to pedestrians, to provide a density and intensity that is transit supportive. The development standards of the zone also are designed to encourage a safe and pleasant pedestrian environment near transit stations by encouraging an intensive area of shops and activities, by encouraging amenities such as benches, kiosks, and outdoor cafes, and by limiting conflicts between vehicles and pedestrians. It is the intent of this Section that a TOD district be restricted to areas within one-half (1/2) of a mile of a transit station, which area is equivalent to a typical 10-minute walking distance.

### Infill Development Zone (IDZ) (35-343)

To provide flexible standards for the development and reuse of underutilized parcels. Urban design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. Any use permitted within an IDZ must comply with the standards of this section. The purpose of the IDZ is to encourage and facilitate development on vacant, bypassed lands, or the redevelopment of underutilized buildings or structures, within existing built-up areas.

### Planned Unit Development District (PUD) (35-344)

A planned unit development may include residential, commercial and industrial uses; cluster housing; common areas; unusual arrangements of structures on site; or other combinations of structures and uses that depart from standard development. Uses permitted in a PUD are those designated in the approved PUD Plan. Density limits determine the maximum number of permitted dwelling units.

### **Steps to Approval of Planned Unit Development Plan**

1. Submit an application to the Zoning Division of the Development Services Department to obtain PUD zoning. This is similar to a base zoning case and may be simultaneous with the PUD Plan application for Planning Commission approval.
2. Submit the proposed PUD Plan application package to the Planning Department for review and ultimate scheduling of a public hearing and consideration by the Planning Commission.
3. All required items including department/agency reviews must be received not later than fifteen (15) days prior to requested Planning Commission Meeting.
4. Staff will distribute to reviewing departments and agencies and conduct a *completeness review*. The Director of Planning will provide a written response indicating whether or not the Master Development Plan is complete within 5 working days after submittal. Staff will assign an ID number to the plan and schedule for Planning Consideration within 45 days. City staff evaluates plan for general conformance with UDC and recommends changes or accepts or rejects the plan as submitted.
5. If inside the San Antonio City Limits, the applicant submits the proposed PUD Plan for rezoning in accordance with Article III, UDC prior to scheduling for consideration by the Planning Commission.
6. If outside the San Antonio City Limits within the San Antonio ETJ, the applicant submits application to development services for Planning Commission consideration.
7. If a PUD Plan consists of two or more units/phases, a MDP must be submitted in accordance with Article II, Unified Development Code prior to plan submittal. The PUD Plan may be submitted as the MDP clearly annotated "PUD/MDP".

Once approved by the Planning Commission, the plan is transmitted to the respective departments for use in the permitting process.

Director of Planning must respond in writing to the applicant within 20 working days of a complete package. The timeline for reviewing a revised MDP is 15 working days.

Accepted MDP files are maintained in the Planning Department. Subsequent & related plat filings are then matched with the plan to assure conformity. For continued recognition, a MDP must be validated by filing a plat within 18 months of the acceptance date.

**PLANNED UNIT DEVELOPMENT PLAN FLOW CHART**

#### Master Planned Community Districts (MPCD) (35-345)

The Master Planned Community District is a Special District established to encourage the development of areas of mixed uses that are internally compatible in an effort to achieve well designed development and provide a more efficient arrangement of land uses, building and circulation systems. A MPCD may include both residential and commercial uses. In particular, all residential single family (including gated communities) and multi-family uses; O-1 and O-2 office uses; and NC, C-1, C-2, C-2P and C-3 commercial uses as defined in this Chapter, are specifically permitted in the "MPCD" zoning base district.

If a Master Planned Community is proposed outside of the City's zoning jurisdiction, but within the City's extraterritorial jurisdiction, the land owner may submit a Master Development Plan (MDP) that conforms to the provisions contained within the section. In addition, the land owner upon submittal of the MDP may designate such MDP as a Master Planned Community Site Plan. If the land that is the subject of the Master Planned Community Site Plan is subsequently annexed into the City's zoning jurisdiction, then the City shall initiate a rezoning application for the subject tract to rezone the land to "MPCD". The rezoning request and the previously approved Master Site Plan with Master Planned Community designation is then reviewed for approval pursuant to the procedures contained herein.

#### River Walk Districts ("ROD") (35-346)

The city council hereby finds that the beautified sections of the San Antonio River and the "Paseo del Rio" constitute an area of the city which is different from any other part of the city and which is unsuited for designation under any of the present zoning district classifications, which have been heretofore adopted, by the city.

The city council hereby adopts and creates a special zoning district classification designed for properties adjacent to the beautified parts of the San Antonio River, to be known as the river walk overlay district. This overlay district is designed for lots which actually abut the waterway and other properties situated nearby or on accesses to the river, so as to have an effect upon the quiet atmosphere of the river walk area.

#### Business Park District (BP) (35-347)

A Business Park District may be located adjacent to any Freeway, Arterial, Principal Arterial or non-residential Collector Street. All uses and Development Activities within a Business Park District shall conform to the regulations for an Office or Institutional Campus, § 35-205, excluding § 35-205(j)(Parks and Open Space Standards). (Applicants electing to seek approval of an Office or Institutional Campus Use Pattern shall be subject to § 35-205(j).)

#### Entertainment District (ED) (35-348)

An entertainment district must have within its boundaries as a primary use a theme park or destination resort that is developed as a regional tourist entertainment facility. This district is designed to protect and encourage the creation and development of commercial recreation, tourist, vacation, hospitality, entertainment, sports and leisure facilities and complexes, together with complementary and accessory support facilities, operations and services that are associated with the tourist, hospitality and entertainment industries. The district is specifically created in order to classify such commercial recreation, entertainment and related uses in a distinct zoning category that expressly encompasses such uses, as opposed to the other business districts, which do not

specifically embody such uses. It is a flexible zoning classification that is intended to allow for a broad range of uses that will create a controlled, favorable environment for the development of diverse commercial entertainment and amusement activities, including by way of example, theme parks, destination resorts, tourist attractions, and other recreation and leisure facilities. Such flexibility permits and encourages an appropriate balancing of land uses that promotes the development of adequate support facilities and services.

#### Sand and Gravel District (SGD) (35-349)

A sand and gravel district (SGD) is a special zoning district permitting the operation of a sand or gravel extraction operation where soil, sand, gravel, and clay may be removed for commercial use on or off the land and those additional uses specifically noted in the following section, such as concrete and asphalt production (with city council approval required within the ERZD) and other uses. A SGD must have within its boundaries, as a primary use, a material extraction and materials processing operation that is designed to extract or process soil, sand, gravel or clay. This district is designed to protect the environmental character of a site and to promote compatible development with adjacent land uses and future redevelopment of the site. SGD is zoning classification that is intended to create a controlled environment for materials extraction and processing related directly to sand or gravel pits.

Within a SGD only those uses directly related to the operation of the material extraction process shall be permitted. Such related uses are limited to the extraction, processing, storage, production of finished products, and shipment of such materials and products from within the land.

#### Quarry District (QD) (35-350)

The quarry district (QD) is a special zoning district intended to allow for a quarry and related uses for the extraction of limestone and other raw materials and the processing of those materials into finished products. A QD must have within its boundaries, as a primary use, a material extraction and materials processing operation that is designed to extract limestone or any other similar materials which are mined on the land and/or which are processed on the land subsequent to mining. This district is designed to protect the environment and promote compatible land use relationships with adjoining properties and to allow for the safe development of commercial quarrying, cement, concrete products and lime manufacturing, and related industries, together with accessory support facilities that relate directly to the on-site quarrying, processing, and manufacturing operations. The district is specifically created in order to classify such materials extraction, processing and related uses in a district zoning category that expressly encompasses such uses, as opposed to the other ordinary districts within the permitted uses table, which do not specifically embody, collectively, such uses. QD is a zoning classification that is intended to allow for a broad range of directly related uses that would create a controlled environment for the development of diverse material extraction and processing activities, including by way of example but not limited to, mining, blasting, extraction, processing, handling, crushing, washing, screening, sorting, stockpiling, and the production, packaging, distribution, and transportation of: aggregate, ready-mix concrete, asphaltic concrete (with city council approval required within the ERZD), quicklime and hydrated lime, cement, concrete, precast and prestressed concrete products, Portland cement, concrete pipe, concrete blocks, and other concrete products within the district, including activities required for the support of such directly related operations, including but not limited to vehicle and rail maintenance and repair facilities, office and dispatch facilities, outdoor storage of materials, and other operations incidental to quarry operations.

#### Development Reserve (DR) (35-352)

Development Reserve (DR) zoning districts are adopted by default upon annexation and provides temporary zoning classifications for newly annexed land unless other specific zoning is adopted. While use restrictions are imposed pursuant to the DR district: it is recognized that the annexed land may be compatible for a use permitted in any zoning district; and it is the policy of the City to rezone the land to an appropriate zoning classification as soon as practicable. The City will become the applicant for DR zoning districts upon annexation.

#### Neighborhood Preservation (NP) Districts (35-353) (formerly R-8 zoning district)

The Neighborhood Preservation Districts are established by the City to protect existing platted subdivisions that are substantially developed with single-family detached dwelling units. It is the policy of the City that these districts will be applied only to platted subdivisions that are recorded prior to the effective date of this Chapter. The NP districts are not appropriate for the downzoning of unsubdivided parcels or tracts. Changes to NP zoning districts are initiated by the City.

#### Manufactured Housing (MH) District (35-354)

The MH districts are areas suitable for HUD-code manufactured homes and compatible uses. The districts provide suitable locations for manufactured homes on individual lots as well as for manufactured home parks. The district regulations are to provide adequate protection both for the manufactured homes and for the surrounding development.

Manufactured Homes on Individual Lots. HUD-code manufactured homes may be located on individual lots outside of a manufactured home park provided they are permanently installed and limited to one home per lot. In addition they shall be subject to standards designed to ensure acceptable compatibility in exterior appearance between HUD-code manufactured homes and site built dwellings that have been or may be constructed in adjacent or nearby locations. HUD-code manufactured homes must be permanently affixed to a visible foundation system and skirting acceptably similar in appearance to foundations of site built residences, forming a complete enclosure under exterior walls.

#### **Steps to Approval of a Manufactured Home Park Plan**

The purpose of the Manufactured Home Park Plan is to achieve orderly development of manufactured home parks in the City following zoning approval, to promote and develop the use of land to assure the best possible community environment in accordance with the Master Plan of the city and to promote the health safety and general welfare. Manufacture home parks plans are detailed in layout, but typically platted as one single lot under one ownership. Individual sites are then leased, but may not be sold.

1. Submit application with proposed plan drawn to scale along with appurtenant information to the Planning Department.
2. Staff will distribute to reviewing departments and agencies and conduct a completeness review.
3. Staff will assign an ID number to the plan and schedule for Planning Consideration within 45 days.
4. Once approved by the Planning Commission, the plan is transmitted to the respective departments for use in the permitting process.

## Flexible Zoning (35-360 and 35-361)

In certain instances it is in the best interests of the private land owner and the City to exceed the minimum requirements of the UDC. In such instances, the City may achieve objectives of the Master Plan by providing incentives to land owners. This system provides regulatory incentives while ensuring that regulatory modifications are not made solely and exclusively for the private benefit of the land owner. These incentives include bonus densities and transfer of development rights.

### **Steps to Approval of Bonus Density**

1. Applicant must request in writing from the Director of Development Services, a density bonus for a residential subdivision and comply with the criteria established in 35-360.
2. The Director may grant an applicant a density bonus by establishing any of the incentive items as described in Table 360-2 of the UDC. Total permissible dwelling units are calculated in accordance with Table 360-2.
3. Applicants requesting a density bonus for a residential subdivision may also reduce lot sizes through approval of a Conservation Subdivision (35-202). Minimum lot sizes may be reduced as needed to accommodate additional dwelling units permitted.

### **Steps to Approval of Transfer Development Rights (TDR) (35-361)**

At the voluntary request of the land owners in the sending areas and the receiving areas, the City may increase densities in the receiving areas and reduce densities in the sending areas.

**Establish Sending Areas.** The land owner may create severable Development Rights in Critical Areas, Agricultural Preservation and Transportation Corridors, and in the unincorporated areas of Bexar County or another municipality within Bexar County by recording a conservation easement, or reserved rights-of-way, in accordance with the provisions of this Section.

**Establish Receiving Districts.** **No** severable development rights may be exercised in conjunction with the development of subdivision of any parcel of land that is not located in a receiving district. Applicant may transfer severable development rights to be designated as receiving districts such as Traditional Neighborhood Development (TND), Transit-Oriented Development (TOD) and Infill Development Zone (IDZ) districts.

Request a development order to be issued authorizing use of the Development Rights at a receiver site, at which time they shall attach to the receiver site for all purposes.

Record Transfer Development Rights on the Receiving Site after a conditional zoning district has been approved. The conditional zoning district includes a condition requiring recordation of a deed.

Owner of the transferor parcel records a deed in the chain of title of the transferor parcel expressly restricting the use of the land in perpetuity to open space, agricultural lands or street/road right-of-way. A boundary plat for the transferor parcel must also be recorded reflecting the restriction.

A developer of a receiver site must submit, in conjunction with his application for development approval, evidence that the transferor parcel has been restricted to non-development uses and that a boundary plat has been recorded in accordance with the above provisions.

Any proposed transfer of development rights from the sending property or to the receiving property is subject to the notice and hearing requirements of 35-403 of the UDC.



## HISTORIC PROPERTY (35-607 and 35-609)

The Historic Preservation Officer and the Historic and Design Review Commission (HDRC) administer San Antonio's Historic Preservation and Urban Design ordinance within the Planning Department. Standards and criteria for protection of the City's historic, cultural, archaeological and artistic resources are published in Article VI of the UDC.

### **Steps to Approval of Designation of or Work on Historic Property.**

1. Submit an application to the Historic Preservation Office with the address or a legal description of the land to determine whether the land is in a historic district, archaeological sites, public properties, on the River Walk or is a designated historic landmark.
2. If the property is designated, submit an application for a Certificate of Appropriateness to the Historic Preservation Office. Staff will assist in determining which of four application forms is required: short, long, demolition, or tax abatement. Each application has different requirements for submittal.
  - ?? Short Forms. Repairs and Maintenance Applications – Ordinary repairs or replacement of existing materials using the SAME COLORS AND MATERIALS AS THE ORIGINAL may be approved administratively.
  - ?? Long Form. Changing Design, Materials, or Colors – Any alteration, restoration or rehabilitation requires an application submittal for a HISTORIC DESIGN REVIEW COMMISSION HEARING. All materials, legal description, photographs, documents and drawing must be submitted to the Historic Preservation Officer at least 14 days prior to a scheduled Commission hearing.
  - ?? Demolition Form – All requests for demolition (partial or total) of all structures and/or appurtenances (historic or not) in the City of San Antonio must be reviewed for action by the Historic Preservation Officer. If the property is a landmark or located in an historic district the application must be taken to the Commission and a plan of proposed work for development of the site is required.
3. Complete and submit to the Historic Preservation Office, the appropriate application form along with all required information and photographs for all areas of planned modification, along with any required fees.

Once a completeness review has been conducted, the Historic Design and Review Commission may schedule the request for consideration. Commission members, as officials of the City of San Antonio, may grant a Certificate of Appropriateness, which is required by the Department of Development Services before permits will be issued. The Commission does not issue permits. Land owners are responsible for all permits, although properly authorized contractors and/or agents may obtain appropriate permits following Commission approval. That certification is valid for 180 days from date of issuance.

If an applicant is dissatisfied with the action of the Commission and the Director of Planning an appeal may be made to the Board of Adjustment within thirty (30) days after receiving notification of such action.

*Important Note:* Permits must be secured within 90 days following Commission approval and work must be started within one hundred eighty (180) days of issuance.

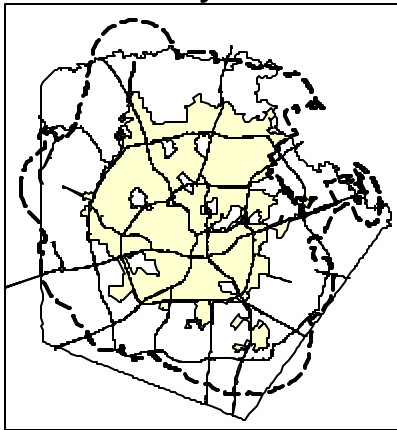
## HISTORIC FLOW CHART

## SUBDIVISION PLATTING

Subdivision regulations are the general rules and regulations governing plats, the subdivision of land, and the procedures for the extension of the city's streets, major thoroughfares and public utilities. Unlike zoning, subdivision regulations apply to all land within the City of San Antonio and its area of extraterritorial jurisdiction (ETJ).

- ?? A plat is required in order to obtain a building permit on any land within the City of San Antonio.
- ?? Lots greater than five acres and located in the ETJ are subject to "development plat" requirements unless code authorizes an exception.
- ?? Subdivision regulations apply to vacant land that is being developed into two or more lots.
- ?? A recorded plat establishes a legal building site and is required before obtaining utility service, a building permit or certificate of occupancy within the City limits.

### San Antonio City Limits and ETJ



### General Steps to Subdivision Plat Approval

General steps to subdivision plat approval are shown on the "General Subdivision Platting Flow Chart," on the following page.

Plat Filing Requirements – A complete filing package subject to a Completeness Review is required before approval is requested. The following items are required for a complete plat package filing:

- ?? Plat application
- ?? Completeness Review
- ?? Letters of Certification from:
 

Public Works	Subdivision Coordinator	114 W. Commerce	207-8075
SAWS (water & sewer)	Project Engineer	1222 N. Main	704-7105
City Public Service	Subdivision Planner	146 Navarro St.	353-2814
Parks and Recreation			
Planning Department			
- ?? Blue Line Prints:
 

Director:	26 copies ICL-or-15 copies OCL.
Commission:	36 copies ICL-or-15 copies OCL.
- ?? Original & Reproducible mylar
- ?? 8 ½" x 11" reduction on bond paper
- ?? Plat filing fees (see fee schedule at the end of this chapter) and county recording fee (when applicable).
- ?? Current tax certificates from city, county & school taxing entities.

## GENERAL SUBDIVISION PLATTING PROCESS FLOW CHART

Plat Review Requirements – The following departments and agencies must review and a letter submitted from each before approval by the Planning Commission:

?? Letters of Review from:

City Tax Office	Tax Analyst	506 Dolorosa	207-8737
Southwestern Bell	Civic Coordinator	4119 Broadway 7 <sup>th</sup> fl.	820-7539
Time Warner Cable	Planning Supervisor	5981 Hwy. 87 E.	352-4460
Others as deemed necessary (Bexar County, Asset Management, Aviation, SARA, SADA)			

When applicable, the following items will also be reviewed or required:

- ?? Master Development Plan: If area will be platted in two or more units.
- ?? PUD Plan approval if part of a Planned Unit Development
- ?? Letter of Agent
- ?? Variance request & fee if cited (see variance requirements in this package)
- ?? Townhouse, zero lot line, PUD legal documents (plus recording fees)

Performance Agreement (35-436) (if site improvements are required)

When site improvements, other than gas and electric lines, are required in conjunction with a plat, applicant must execute and file with the planning commission together with the plat, an instrument to ensure construction of the site improvements. Such instrument must be substantially the same as Form F in Exhibit B, 35-119(f) and is filed with the City Clerk's office when a guarantee of performance is posted .

As is provided for in 35-432(i), an approved plat may be filed for record before the required site improvements are completed if one of the following guarantees of performance is filed with the city clerk within three (3) years after the plat has been approved by the planning commission: a performance bond, a trust agreement, a letter of credit, or a cash or cashier's check.

## Plat Approval

Development Services Director or Commission – Generally, amending plats, minor plats without variances or re-plats not involving a public hearing are eligible for approval by the Director of Planning. A minor plat is defined as "a subdivision involving 4 or fewer lots fronting on an existing street that does not involve: (I) the creation of any new streets, alleys or safety lanes; (II) the extension of off-site utilities; or (III) the installation of drainage improvements." All other plats are submitted to the Planning Commission for approval. After a complete filing has been met, the plat is routed to 5 of the nine reviewing agencies for one last opportunity to insure conformity (Public Works, CPS, SAWS water and sewer, Cable). The plat is then scheduled for Commission or Director consideration. The application for plat approval also includes submitting all items and fees required by the UDC.

- ?? *Director Plats*: "Director Plats" are approved by the Director of Development Services on an as-available basis.
- ?? *Planning Commission*: The Commission meets every second and fourth Wednesday at 2:00 P.M. in the City Council Chambers of the Municipal Plaza Building, 114 W. Commerce. The deadline for scheduling items on the agenda is the Monday two weeks before the scheduled meeting. All items must be submitted no later than the end of the business day.

## **Plat Deferral**

A plat application must be filed prior to processing of the plat deferral. The Planning Commission may grant a deferral of the requirement to plat for a subdivision of 4 or fewer lots to allow a building permit and/or utility services prior to plat approval. The applicant's engineer or surveyor must certify that specific conditions are met before the deferral will be scheduled for consideration. These conditions are outlined in the "PLAT DEFERRAL INFORMATION SHEET."

### **Steps to Plat Deferral**

1. Submit a plat application and a letter of application (Plat Deferral Information Sheet) signed by the land owner or his authorized agent to the Director of Development Services.
2. The Director will review the plat deferral application for completeness relative to letters of certification, required information (Appendix B) and payment of fees. Upon determination of completeness the time limit is triggered.
3. All submittals must include approval by the Storm Water Engineering Section, Public Works Department.
4. All plat deferral requests will be processed, reviewed, and scheduled for Planning Commission consideration in accordance with required reviews, established deadlines, and scheduling procedures.

The time period for which the platting requirement may be deferred shall normally not exceed one hundred and eighty (180) days.

## **Replatting of Antiquated Plats**

For purposes of section 35-441, any subdivision platted prior to June 14, 1927, is not considered a plat and a replat of such a subdivision will be considered an original plat and is subject to the same notice requirements as a minor subdivision plat.

1. In order to replat an antiquated plat, a subdivider files with the Department of Development Services the proposed replat in accordance with section 35-431. The plat must be signed and acknowledged by only the owners of the land being replatted and annotated with a certificate the same as Form P, Appendix B, 35B-120.
2. A replat will be processed in accordance with the plat review process flow chart on page 65.
3. The Planning Commission shall approve a replat provided it is consistent with the requirement set forth in Article 4 and Article 5 of the UDC.
4. Filing a new replat may amend a replat. The replat is processed in the same manner as the original replat.

A subdivision or part of a subdivision may be replatted without vacation of the preceding plat if the procedures and specifications pertaining to plats continued in this article apply, and if the replat does not attempt to amend or remove any covenants or restrictions.

REPLAT FLOW CHART

## **Replats Subject to Low-Density Zoning**

The following procedures of Section 35-442 apply if, during the preceding 5 years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than 2 residential units per lot, or if any lot in the preceding plat was limited by deed restrictions to residential use for not more than 2 residential units per lot.

### **Steps to Approval of a Replat Subject to Low-Density Zoning**

1. In order to replat a previously approved and recorded plat that is subject to low-density zoning, a subdivider files with the department of development services the proposed replat in accordance with section 35-431. The subdivider provides to the Director written notice of an intention to file with the planning commission a replat to which the limitations stated above apply.
2. The Director will review the replat application for completeness relative to letters of certification, required information (Appendix B) and payment of fees. Upon determination of completeness the time limit is triggered.
3. The director provides notice of the public hearing. The Planning Commission approves a replat in the same manner as a Major Subdivision. It must be approved unless it is inconsistent with any of the criteria set forth in Article 5 of the UDC. The replat will not be approved if it does not comply with any of the criteria set forth in Article 5.

Filing a new replat may amend a replat. The replat is processed in the same manner as the original replat.

A replat must be filed with the planning commission within six (6) months of the date of the public hearing. If the replat is not filed within six (6) months, a new public hearing will be required.

## **Owner-Initiated Plat Vacation**

An area previously platted can be vacated under 35-438 when the owner or owners of lots in any approved subdivision, including the developer, initiates a plat vacation by filing a petition and declaration (Form M, Exhibit B, 35-B120 (f)) with the Director to vacate the plat. The Petition must conform to the requirements of Appendix B. If the subdivider so desires, the vacating declaration and an application requesting resubdivision of the plat may be filed and processed simultaneously.

Upon filing the vacating declaration, a filing fee as specified in Exhibit C is paid to the City of San Antonio in addition to the required recordation fee.

### **Steps to Owner-Initiated Plat Vacation**

1. In order to replat a previously approved and recorded plat a subdivider files with the department of development services the proposed replat in accordance with section 35-431.
2. The Director will review the replat application for completeness relative to letters of certification, required information (Appendix B) and payment of fees. Upon determination of completeness the time limit is triggered.



3. The Planning Commission approves a replat in the same manner as a Major Subdivision. It must be approved unless it is inconsistent with any of the criteria set forth in Article 5 of the UDC. The replat will not be approved if it does not comply with any of the criteria set forth in Article 5.

Filing a new replat may amend a replat. The replat is processed in the same manner as the original replat.

Completeness Review. The Director will conduct a completeness review of the application for a plat vacation as provided in 35-432(c) of the UDC. Appeal of a completeness review is to the Planning Commission.

The Planning Commission may approve, conditionally approve or disapprove a petition at a regular public meeting.

On the execution and recording of the vacating instrument, the vacated plat has no effect.

### **Replatting Without Vacating Preceding Plat**

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat (35-439) if the replat is signed and acknowledged by only the owners of the land being replatted; is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats; and does not attempt to amend or remove any covenants or restrictions.

### **Steps to Replatting Without Vacating Preceding Plat**

Replatting without vacating preceding plat is subject to the process shown on the Replat flow chart, page 69.

Filing a new replat may amend a replat. The replat is processed in the same manner as the original replat.

A subdivider wishing to replat a previously approved and recorded plat files with the planning department the proposed replat in accordance with section 35-431.

A replat can be filed without public hearing if the preceding plat was approved prior to June 14, 1927, or it involves a lot assembly, or it is a replat of easement(s) or right-of-way (ROW). In conjunction with this process the subject area is titled "Area being replatted". A replat is subject to either a short public hearing or a long public hearing.

### **Short Public Hearing**

A Replat is subject to a Short Public Hearing if:

- ?? An area proposed to be replatted is not restricted to 1 or 2 family uses whether through zoning within the past 5 years or limited to same by deed restrictions. In conjunction with this process the subject area is titled on the plat "Area being replatted through public hearing" and is annotated with Form J as required by Section 35-b210.

-OR-

- ?? The area was designated or reserved for other than 1 or 2 family use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat. In this instance

the subject area is titled "Area being replatted through public hearing" and plat is annotated with Form K as required by Section 35-B211.

### **Long Public Hearing**

A Replat is subject to a Long Public Hearing if:

?? The area proposed to be replatted is restricted to 1 or 2 family uses by zoning within the past 5 years, or lots within the preceding plat are limited to same uses by deed restrictions (Zoning Classifications include: A, B, R-1, R-2, R-5, R-6, R-7 and R-8). In conjunction with this process the subject area is titled on the plat "Area being replatted through public hearing involving written notification" and annotated with Form I as required by Section 35-B209.

### **Requirements for Long Public Hearing:**

Submit written notice of intent to file for public hearing with Director.

Certified list of names & addresses of land owners within 200' radius of the area proposed to be replatted. Notice to land owners is not required outside the 200'

Both items above shall clearly identify the following:

Area to be replatted with 200' radius (overlaid on Bexar Appraisal map)

Area replatted/re-subdivided within the 200' radius, which is no longer part of the original plat.

Public hearing fee as per schedule

One (1) 8 ½" x 11" reduction on bond paper.

One (1) full size copy (18" x 24") blue line print of original plat.

### **Amending Plats**

A municipality need not require platting for every division of land. Therefore this section provides a streamlined and efficient process for the combination of parcels or the replat of parcels. A plat may be amended, and the Director may issue an amending plat, if the amending plat is signed by the applicants only and is solely for one or more of the purposes indicated in 35-440.

### **Steps to approval of an Amending Plat**

General steps to approval of an amending are shown on the "General Subdivision Platting Flow Chart," page 65.

The amending plat is then recorded if all requirements have been met. If the plat being amended has not been recorded, the director may approve the amending plat.

Approval Criteria. The amending plat will be approved unless it is inconsistent with any of the criteria in Article 5 of the UDC, but will not be approved if it does not comply with the criteria.

Filing a new amended plat may amend an amended plat. The amended plat is processed in the same manner as the original amended plat.

Approval of an amended plat is restricted to the matters described in this section, and confers no additional rights upon the applicant.

Variances to the Requirements in the UDC – Any provision of the UDC, which cannot be met will require a variance request with the appropriate fee. This written request is to be submitted to the Director of Planning. The Planning Commission considers it at the time of plat consideration. Fifteen (15) working days are to be allowed for agency review of each variance.

Additional Approval Outside City Limits – Areas located outside the San Antonio city limits and within the ETJ require Bexar County Commissioners Court Approval. This is done after the City of San Antonio has finished their review. All requests are to be sent through Bexar County Public Works. Prior to plat recording, all impact fees must be paid and a guarantee posted to cover any necessary site improvements. Septic systems are also approved by this agency.

### **Development Plat**

The city requires a boundary survey from any person who proposes the development of a tract of land located within the limits or in the extraterritorial jurisdiction of San Antonio, and is not required to file a subdivision plat as required in 35-431 and 35-432.

A development plat (35-433) is not required where the person is required or elects to file a subdivision plat; or one of the exceptions in 35-430(c)(2) - (c)(9) applies; or the tract is greater than five (5) acres, has access to a public right of way by a public street, platted private street, or irrevocable ingress/egress access, and that requires no public dedications. Providing further that the owner agrees not to further subdivide without filing a subdivision plat and the requested improvements are for a residential use.

### **General Steps to Development Plat Approval**

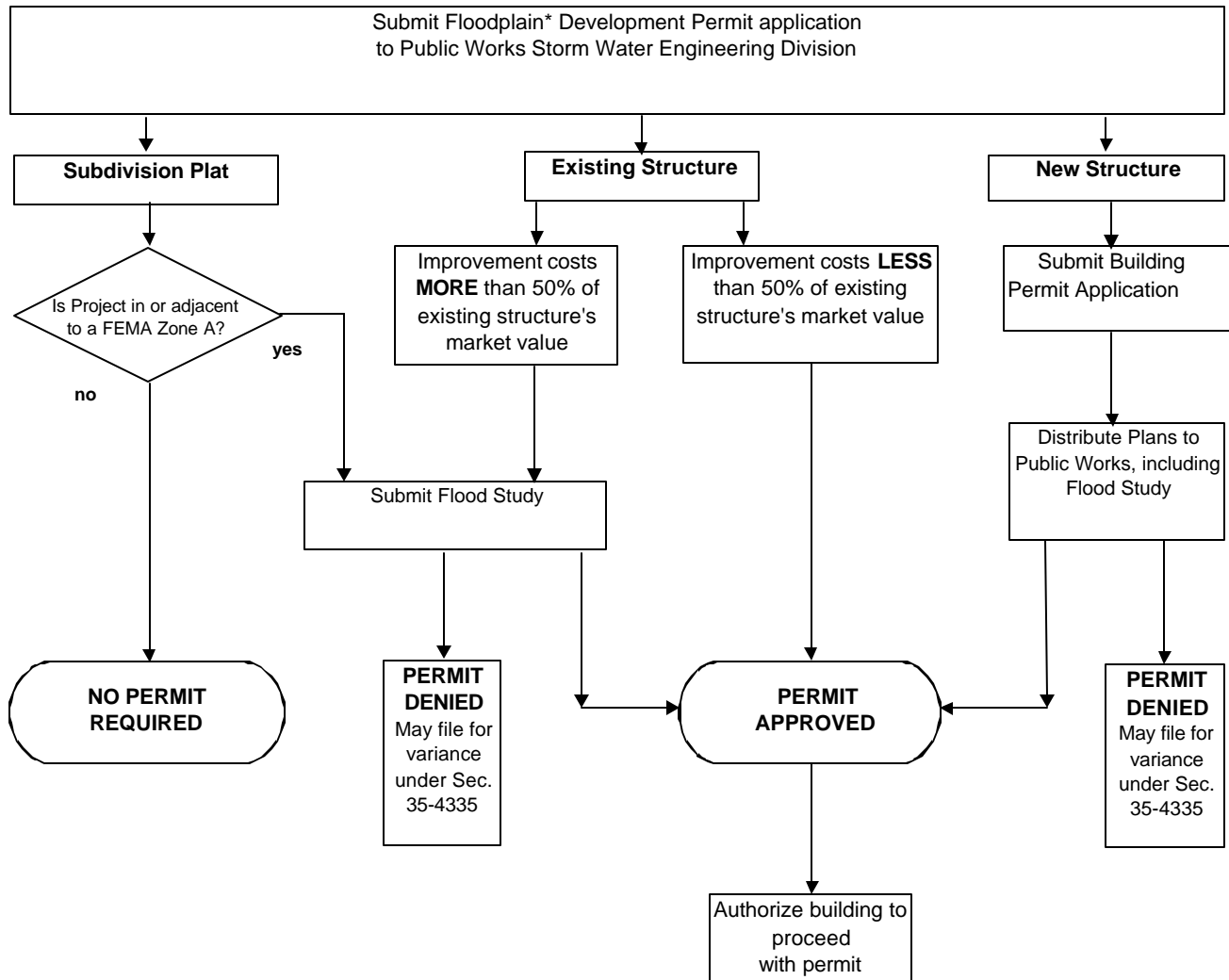
General steps to development plat approval are shown on the “General Subdivision Platting Flow Chart,” page 65.

Building Permits / Septic Tank Approval. The city, a county, or an official of another governmental entity may not issue a building permit or any other type of permit for development on lots or tracts subject to this section until a development plat is filed with and approved by the city. Applicants for development plat approval may also require approval by Bexar County for septic facilities or, in the extraterritorial jurisdiction of the City, a subdivision plat. Bexar County does not recognize development plats approved by the City. Accordingly, applicants may choose to file a subdivision plat pursuant to the major subdivision or minor subdivision procedures of this ordinance in lieu of filing a development plat.

## DEVELOPMENT LOCATED IN A FLOODPLAIN

The City recognizes that a limited amount of development adjacent to a floodplain might be necessary in a given project. A Floodplain Development Permit for development or other encroachment is required when the property or any part of the property is located in the regulatory floodplain (100-year floodplain assuming ultimate development has occurred throughout the watershed). The Storm Water Engineering Section of the Department of Public Works will determine if a property is in the regulatory floodplain. If the property is located in a Zone A, unstudied area of a regulatory floodplain, hydrology and hydraulic studies are required to determine the actual location of the floodplain. Studies will also be required in areas where flood elevations may reflect the regulatory floodplain. The Floodplain Ordinance is embodied in Appendix F of the UDC. Submittal requirements for a floodplain development permit are included in Appendix B. Each application will have two completeness reviews: one by Development Services and one conducted by Storm Water Engineering prior to beginning the review and establishing the time line. The following flow chart outlines the process of obtaining a permit to develop or build in a floodplain.

### FLOODPLAIN DEVELOPMENT PERMIT PROCESS



\*If Plat or Building Permit application is filed first, then plans will be distributed to Public Works Storm Water Engineering Division.

## LICENSE TO ENCROACH ON PUBLIC RIGHT-OF-WAY OR PUBLIC LAND

Before any application for an encroachment request can be processed, the following items are required at the time of application. Processing will begin with the Department of Asset Management, Land Disposition Division, 114 W. Commerce St, 2<sup>nd</sup> floor. For more information, call 207-4035.

### **Steps to Obtain a License to Encroach on Public Right-of-Way or Public Land**

1. Submit a letter to the Department of Asset Management describing the nature of the encroachment. Include a plat indicating the exact location and plans indicating linear dimensions of encroachment and its proposed location in relation to an established landmark; copy(ies) of deed(s) for applicant's land; and pay a non-refundable processing fee.
2. While the project is being circulated to the various city departments, it will be the applicant's responsibility to furnish the following items:
  - ?? Fully executed Ethics Disclosure Statement(s).
  - ?? If applicant is a corporation, a fully executed Certificate of Corporate Resolution identifying and designating the proper officer of the company who is authorized to execute and legal document(s) which will be required in connection with this project.

Payment for a 10-year license agreement is \$2,500 for minor residential encroachments and \$5,000 for minor commercial encroachments. Fees for major encroachments vary, depending on the area to be used and fair market value of the surrounding properties.

## QUIT CLAIM AND PERMANENTLY CLOSE A STREET OR ALLEY

Before any application for a street/alley closure request can be processed, the following items are required at the time of application. Processing will begin with the Department of Asset Management, Land Disposition Division, 114 W Commerce St., 2<sup>nd</sup> floor. For more information, call 207-4035.

### **Steps to Obtain a License to Encroach on Public Right-of-Way or Public Land**

1. Submit a letter to the Department of Asset Management stating the purpose and location of proposed street/alley closure. Include a fully executed petition(s) signed by all adjacent owners; a plat indicating the exact location of the proposed alley closure; copy(ies) of deed(s) for properties adjacent to proposed closure; and a \$250.00 non-refundable processing fee for unimproved street/alley and/or a \$500.00 non-refundable processing fee for improved street.
2. While the project is being circulated to various city departments, it will be the applicant's responsibility to furnish following items:
  - ?? Fully executed Ethics Disclosure Statement(s).
  - ?? If applicant is a corporation, a fully executed Certificate of Corporate Resolution identifying and designating the proper officer of the company who is authorized to execute legal document(s) which will be required in connection with this project.
  - ?? Metes and bounds description (survey), of alley/street proposed for closure, along with plats prepared by a certified engineer or registered surveyor.

\*Note: Please note that properties are sold at fair market value.

## UTILITY POLICIES

The San Antonio Water System (SAWS) has prepared master plans for waterworks and wastewater facilities. These plans include adopted policies for service and extension of facilities. Developers must negotiate with either SAWS or another purveyor for water service within its service area.

Groundwater Resource Protection – The Resource Protection Division (RPD) of the San Antonio Water System (SAWS) takes a lead role through city code mandates, in house procedures and pro-active programs in the protection efforts of San Antonio's groundwater resources. The RPD is involved in the following:

### Procedures

*Plats.* All platted and re-platted properties in Bexar County are inspected for the existence of abandoned/substandard water wells. If a well is identified on the property the developer or land owner has two options to obtain plat approval.

1. Immediately plug the well through RPD plugging procedures, OR
2. Submit a bid from a licensed well driller accompanied by a cashiers check in the amount of the bid as a bond. The owner or developer obtains approval then has up to 6 months to plug the well.

### Registration of Water Wells

*New Water Service Installation* (Water Well Declaration Form). Anyone applying for water service from SAWS must sign a Water Well Declaration form (form# FN001-3) declaring whether or not there is a well on the property for which they are applying for water service. There are three signature slots where an applicant can sign:

1. There are no wells on the property for which the applicant is applying for water service.
2. There is a well on the property and the applicant will plug the well within 30 days of receiving water service.
3. There is a well on the property and the applicant is applying for a variance to keep the well.

Variances are reviewed and approved or disapproved based on the information provided to RPD and the overall evaluation of the well's integrity.

*Water Well Permitting* San Antonio City Code designates the RPD as the authority to regulate *all water well activity* within the city limits and SAWS service area. The code regulates the following:

Water Wells  
Geo-thermal Borings  
Monitoring Wells (limited)

Information and code requirements can be downloaded from SAWS website [www.SAWS.org](http://www.SAWS.org) by clicking on Groundwater Resource Protection.

For all new development and/or construction, the respective utilities must be contacted. Each utility has unique extension policies and connection fees. Generally, utilities issues are resolved at the time of subdivision platting. In addition to the San Antonio Water System, other major utilities in San Antonio are shown below with the specific utility services needed:

Water and Sewer Service – Water and sewer service are provided for developments within the City of San Antonio and its ETJ by several purveyors. The largest territory coverage is with the San Antonio Water System (SAWS) as described within this chapter. In addition, the subject property could be located within the service areas of other major providers, such as Bexar Metropolitan Water District (Bexar Met), Cibolo Creek Municipal Authority (CCMA) and the San Antonio River Authority (SARA). To determine the water and sewer service provider for your property, call or visit the One Stop at the Municipal Plaza Building, 114 W. Commerce Street, 9<sup>th</sup> floor, 210-207-7666.

Bexar Metropolitan Water District; call 210-354-6561 or 210-354-6563.  
Cibolo Creek Municipal Authority, call 210-658-6241.  
San Antonio River Authority, call 210-227-1373.  
San Antonio Water System, call 210-704-7071 for new service.

Gas and Electric Service – Gas and electric service are provided by City Public Service Board (CPSB) to all of Bexar County (except in Grey Forest) and certain areas outside the County. CPSB is located at 146 Navarro. For new electric or gas service call 210-353-2222 and for subdivision planning call 210-978-2496.

Development Located In The Edwards Recharge Zone District (ERZD) – Protection of our sole source of water is in the purview of the Resource Protection Division, Aquifer Protection and Evaluation Section (APES) of the San Antonio Water System, which is involved in the development process over the Recharge Zone in Bexar County. For questions concerning whether or not a development is located on the Recharge Zone in Bexar County, contact Texas Natural Resource Conservation Commission (TNRCC), the City of San Antonio Development Services Department, the San Antonio Water System web site, or San Antonio Water System Aquifer Protection and Evaluation Division. The Aquifer Protection and Evaluation Section is involved in the following:

### **Category Determination**

The applicant submits a Category Request letter with supporting documentation (prior history of development if it exists) that is used to determine Category 1, 2, or 3 statuses on the property to be developed. Category Request form letter can be downloaded from SAWS web page ([www.SAWS.org](http://www.SAWS.org)), click on Source Water and Watershed Protection and Aquifer Protection and Evaluation) or by calling APES at SAWS.

After evaluation, a letter is issued to the applicant indicating Category status. This information guides the applicant on the amount of impervious cover that can be applied to the development.

Once a Category determination has been made and a change takes place such as arterial or collector roadways, land use, drainage plan, or projected gross impervious cover, it could be considered a substantial alteration and the Category status could also change.

Request a verification of the Category Status with the new changes addressed. The Category status expires if and only if the document the Category status is based on expires. A variance procedure is in place for those who feel they qualify for a variance as outlined in the Aquifer Protection Ordinance No. 81491.

*NOTE: Determining the Category status should be one of the first steps taken when developing on the Recharge Zone. It can impact the development of the property.*

### **Other SAWS Involvement in the ERZD**

- ?? Building Permits – The APES will sign off on Building Permits provided all conditions are met for development on the Recharge Zone in Bexar County.
- ?? Certificate Of Occupancy – If ERZD is noted on the Certificate of Occupancy form, then the occupant must contact APES at SAWS. The APES will verify that all conditions have been met for development on the Recharge Zone and will then sign the form for approval.
- ?? Plan Checking – Building plans are checked to verify the Plat and WPAP are approved and then it is signed.
- ?? Plats – Plat request forwarded by City Planning to APES. Application is reviewed and a written site evaluation is submitted to City Development Services Department/Planning Commission. Interaction with APES is strongly encouraged.
- ?? PUD – Planned Unit Development application is forwarded by Development Services to APES. Verification is made that all rules and regulations for development on the Recharge Zone have been followed. Approval form is signed and sent to City Planning/Planning Commission.
- ?? Sewage Collection System (SCS) – Applicant needs to contact the Texas Natural Resource Conservation Commission (TNRCC) to verify if a Sewage Collection System (SCS) is required. If it is required for the development, TNRCC will forward a copy of the completed SCS to APES. The APES will review and may submit comments concerning the Sewage Collection System if needed to TNRCC. SCS approval by TNRCC required prior to plat approval when applicable.

If the project is on the Edwards Aquifer Recharge Zone and outside the city limits, a connection permit is required and a licensed master must perform installation of sewer laterals plumber that is registered with SAWS. Inspection of laterals is by SAWS,

- ?? Site Development Plans (Letter Of Certification) – After it has been determined that a site is either a Category 2 or 3 property, the applicant fills out an Aquifer Protection Plan. The APP can be downloaded from the SAWS web page ([www.SAWS.org](http://www.SAWS.org)) or by requesting a copy from APES at SAWS. When the APP is reviewed and approved, a letter is sent to the applicant indicating approval. This is needed prior to release of a plat. The APP will expire if not utilized within three years from the date the Letter of Certification was issued.
- ?? Water Pollution Abatement Plan (WPAP) – Applicant needs to contact the Texas Natural Resource Conservation Commission (TNRCC) to verify if a WPAP is required. If it is required for the development, TNRCC will forward a copy of the completed WPAP to APES. The APES will review and write comments concerning the Water Pollution Abatement Plan to the Texas Natural Resource Conservation Commission. WPAP approval by TNRCC is required prior to release of building permits if applicable.
- ?? Zoning – Zoning (within the city limits) request, when applicable, is forwarded by City Development Services Department to APES. Application is reviewed and a written site evaluation is submitted to City Department of Development Services/Zoning Commission and to the City Council. Interaction with APES is strongly encouraged.

NOTE: Even though a site appears to have the proper zoning such as C-3 for commercial, the intended land use by the developer on the Recharge Zone may require City Council approval thus requiring the site to again go through the zoning process. Check with the City Department of



Development Services for clarification. Required City Council approval for designated land uses can also be found in the Permitted Uses Table in the City's Unified Development Code.

### **Edwards Aquifer Program Application Checklists**

- ?? Water Pollution Abatement Plan (WPAP) Checklist
- ?? Organized Sewage Collection System Plan Checklist
- ?? Underground Storage Tank Facility Plan Checklist
- ?? Aboveground Storage Tank Facility Plan Checklist
- ?? Modification of an Approved Plan Checklist
- ?? Exception Request Checklist
- ?? Extension Request Checklist
- ?? Contributing Zone Plan Checklist
- ?? Modification of an Approved Contributing Zone Plan Checklist
- ?? Contributing Zone Exception Request Checklist
- ?? Contributing Zone Extension Request Checklist

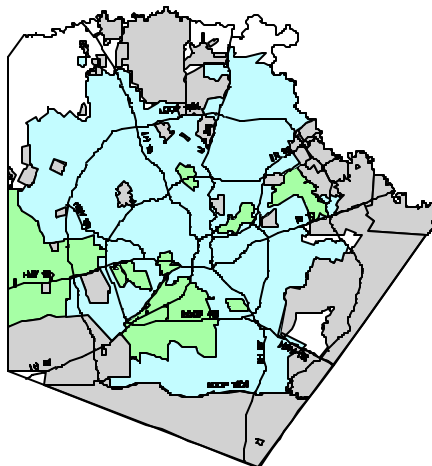
For more information and copies of forms and checklists, go to the San Antonio Water System web site at: [www.SAWS.org](http://www.SAWS.org). Choose *Source Water and Watershed Protection* and then *Aquifer Protection and Evaluation*.

Utility Service Extension Policies – The San Antonio Water System's (SAWS) system extension policies are contained in two places: the former City Water Board's *Regulations For Water Service* and Chapter 35 (35-4261) of the City Code of the City of San Antonio. SAWS is currently revising *Utility Service Regulations* that contain water, wastewater and recycled water extension policies.

### **Water**

There are multiple water purveyors within San Antonio and Bexar County. Each purveyor holds a Certificate of Convenience and Necessity (CCN) issued by the Texas Natural Resource Conservation Commission (TNRCC). Within that CCN, the water purveyor is the State's agent to provide potable water service according to its established extension policies. Questions about water extensions may be referred to SAWS Infrastructure Development Department (704-7108).

### **SAWS Water Service Area**



SAWS CCN is divided into an Inner Service Area (essentially that portion of its CCN within Loop 1604) and an Outer Service Area (that portion of its CCN outside Loop 1604).

Before the development process starts, the developer should contact SAWS' Infrastructure Development Department to check on service availability and secure a water service commitment. The on-site infrastructure is exclusively a customer responsibility. Once extensions and on-site mains are constructed, they will be dedicated to SAWS for operation and maintenance. The Developer will construct the approach main to the site and is eligible for pro rata refunds as new customers hook on that main for a period of seven years following acceptance of the main.

Oversize Mains – SAWS may elect to oversize a developer-constructed main in order to serve the total estimated population for the area in question. The developer will be reimbursed for his/her proportionate share of the oversized main.

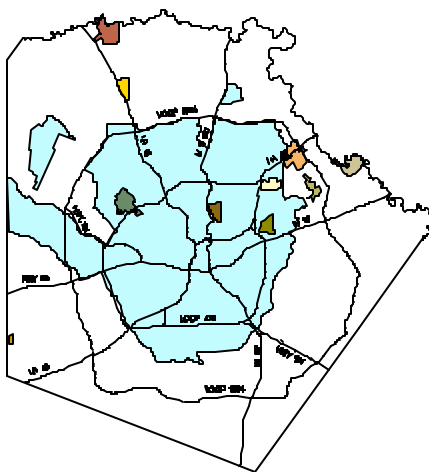
Dedicated On-Site Infrastructure – The developer is responsible for constructing all on-site infrastructure. After SAWS staff inspects the system, it is dedicated to SAWS for maintenance and operation.

Developer customers should contact the Infrastructure Development Department located within the Planning, Programming and Quality Control Group for a current fee schedule.

### **Wastewater**

Wastewater service is provided to SAWS customers within the Inner Service Zone according to the provisions of Chapter 35 of the City Code of the City of San Antonio. Customers within the Outer Service Zone are handled through individual contracts.

### **SAWS Sewer Service Area**



Line Extensions – The developer is responsible for constructing all on site mains. Once the mains have been inspected and accepted by the San Antonio Water System, the on-site system is dedicated to SAWS for operation and maintenance.

The developer is responsible for constructing off site mains to serve new development. The developer will then receive sewer service credits that may be applied toward platting fees for subsequent developments.

Oversizings – SAWS may elect to oversize off-site mains. If the developer constructs the main, he/she may receive additional credits for the off-site portion of the line.

Any questions regarding the location or provision of sewer service should be referred to the Infrastructure Development Department located within Planning, Programming and Quality Control.

### **Recycled Water**

SAWS will provide recycled water on a contractual basis for commercial and industrial customers who are proximate to an existing recycle trunk line. Questions about recycle water availability should be referred to the Resource Development Department, Water Resources Group.

Underground Utility Measurements and Locators – No digging may begin until cleared by SAWS. Requests for measurements and locators from SAWS for Other Utility Location Data must be made to the Counter Services Division at the Cypress Tower office –1222 N. Main Avenue, or by telephone at least 48 hours prior to job need. All routine maintenance and construction work, including new service installations, service relays, new valve installation, new fire hydrant installation must be planned and scheduled at least 48 hours in advance of actual excavation.

All requests for SAWS water and sewer underground facilities information must go to the Counter. Walk-in customers can get measurements or copies of maps and records at the counter. Faxed requests are processed within 48 hours of request. However, when a locator is necessary, it must be coordinated and scheduled through the Communications Division and will require 48 hours from the time of request. Phone requests are also accepted at the Counter.

